FEDERAL REGISTER

Vol. 79 Monday,

No. 183 September 22, 2014

Pages 56477–56630

OFFICE OF THE FEDERAL REGISTER

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Rules and Regulations

Federal Register
Vol. 79, No. 183
Monday, September 22, 2014

DEPARTMENT OF ENERGY

10 CFR Part 905

Revision to the Final Principles of Integrated Resource Planning for Use in Resource Acquisition and Transmission Planning

AGENCY: Western Area Power Administration, DOE.

ACTION: Final rule.

SUMMARY: Western Area Power Administration (Western) published in the **Federal Register** two proposed changes to Western's Final Principles of Integrated Resource Planning (IRP) in the **Federal Register** on June 29, 2011. The Final Principles of IRP were last published in the **Federal Register** on June 9, 1995. First, Western proposed that its current practice of developing project-by-project evaluation criteria to determine the quantity, length, and source of a long-term energy purchase be replaced with uniform, Western-wide evaluation criteria. Western will make no changes to its current practice of developing project-by-project evaluation criteria to evaluate long-term energy-purchases. Second, Western proposed eliminating transmission planning principles that are unnecessary as a result of changes in the planning area made since 1995. Western will eliminate the transmission planning principles now accomplished by other means consistent with its proposal.

DATES: This final rule will become effective on October 22, 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Anthony H. Montoya, Chief Operating Officer, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228–8213, telephone (720) 962–7071.

SUPPLEMENTARY INFORMATION: The Final Principles of IRP were published in the **Federal Register** on June 9, 1995 (60 FR 30533). The Final Principles of IRP have served as the policy under which Western develops principles for acquiring project-specific, long-term resources and for public participation in transmission planning for some Western projects to increase transmission capability.

Since completing the Final Principles of IRP for transmission planning in 1995, the transmission industry has undergone significant change. Several of the comments Western received during the 1995 public process to develop the Final Principles of IRP requested that Western avoid duplicating efforts related to transmission planning. At the time the Final Principles of IRP were adopted, Western did not believe the procedures for public participation in transmission planning were duplicative. In light of the current vigorous involvement of stakeholders in regional and sub-regional transmission planning entities and the detailed transmission planning process set forth in Western's Open Access Transmission Tariff (OATT), as described below, Western now believes that those comments have merit, and the transmission planning principles established under the Final Principles of IRP will now be eliminated.

Specifically, Western is actively involved in several transmission planning efforts throughout its various regions. For example, Western is currently participating in the Transmission Expansion Planning Policy Committee under the Western Electricity Coordinating Council, Southwest Area Subregional Planning Transmission Group, Colorado Coordinated Planning Group, California Transmission Planning Group, Sierra Subregional Planning Group, WestConnect, and Mid-Continent Area Power Pool. These groups either did not exist or were in their infancies when the transmission planning principles set forth in the Final Principles of IRP were completed. In the ensuing 19 years, these planning entities have emerged to provide stakeholders the opportunity to become involved in regional integrated transmission planning including projects that would increase Western's transmission capacity.

Moreover, as of December 2009, Western's OATT incorporated a detailed transmission planning process based upon three core objectives: (1) Maintaining reliable electric service; (2) improving the efficiency of electric system operations, including the provision of open and non-discriminatory access to its transmission facilities; and (3) identifying and promoting new investments in transmission infrastructure in a coordinated, open, transparent, and participatory manner. The transmission planning process that is now a part of Western's OATT aids timely, coordinated, and transparent information sharing that fosters the development of electric infrastructure, maintains reliability, and meets network load growth. The process includes open planning meetings that allow anyone including, but not limited to, network and point-to-point transmission customers; interconnected utilities; sponsors of transmission, generation and demand-side management developers; and other stakeholders to participate in all stages of development of Western's transmission plans.

Lastly, Western engages in annual 10-year transmission planning activities and joint-planning activities with its customers. These efforts identify and prioritize long-term transmission system additions, betterments, and replacements to meet customers' needs and to ensure the reliability of the bulk electric system.

As a result of the changes discussed above, and in consideration of the comments set forth in the following section, Western has determined to finalize its proposal, published in the **Federal Register** on June 29, 2011 (76 FR 38146), to eliminate from Western's Final Principles of IRP duplicative transmission planning principles. For the reasons discussed in the **SUMMARY** section of this document, and in consideration of the comments set forth in the following section, Western has determined not to adopt its proposal of developing uniform, Western-wide evaluation criteria to determine the quantity, length and source of a long-term energy purchase. Instead, Western will continue to use its current practice of developing project-by-project evaluation criteria.

Response to Comments

Western held a public meeting on July 21, 2011, in Lakewood, Colorado, to solicit input about Western's revision to the Final Principles of IRP for Use in Resource Acquisition and Transmission

Planning. The meeting addressed the proposed evaluation criteria and procedures Western would use for long-term resource acquisition and the elimination of the transmission planning principles as set forth in the Final Principles of IRP. Western received oral comments at its July 21, 2011, public meeting and written comment letters. The comments received and Western's responses follow:

Transmission Planning

Comment: Numerous comments supported the removal of transmission planning from the IRP process, although the existing coordination between transmission and resource planning efforts and processes provides significant value and should be maintained to the extent possible. One comment urged Western to retain transmission planning as part of the IRP process and for Western to commit to a robust, open, and transparent planning process.

Response: Western appreciates the support for removing the transmission planning from its Final Principles of IRP. Western determined that a robust, open, and transparent transmission planning process is now provided by planning efforts of regional and sub-regional planning entities and Western's OATT. Western agrees there is a nexus between transmission planning and resource planning efforts. This will remain a consideration for Western. Given developments in these areas of transmission planning since the original IRP process was completed, Western determined that including transmission planning in the IRP Principles is redundant.

Comment: Generators are discouraged from locating in Western's service territories because Western does not participate in a regional transmission organization.

Response: This comment is outside the scope of this process.

Resource Acquisition

Comment: Several comments asked why a proposed change in Western's policy toward resource acquisitions is needed now since there is no legislative mandate or ongoing energy crisis and the current policy seemingly works well. Comments suggested Western delay its process until it can provide a more complete presentation of its proposal and engage in further discussions with its customers.

Response: Western's primary goal in proposing modifications to the existing Principles of IRP was to provide Western the ability to make long-term purchases in a more expeditious and streamlined manner. Western determined, in consideration of the comments received on this issue, to leave the existing procedures in place. The existing Principles of IRP commit Western to performing a public process before each purchase of a long-term resource(s), which allows for a transparent process for long-term purchases and engagement of customers prior to making such purchases.

Comment: Is there a real need for purchases longer than 5-years given that short-term contracts provide flexibility and reduce the risk of financially overextending Western's power customers?

Response: Western will not change this acquisition principle. Although there could be several factors that may impact Western's decision to enter into a long-term purchase, such as a long-term generation reduction resulting from changes in hydrology, reservoir operations, or extended outages. Western has found that short-term contracts can effectively satisfy its firming needs, and the existing principles provide enough flexibility and allow Western's customers, on a region-specific basis, to consider long-term resource strategies.

Comment: Several comments state that changing to a Western-wide policy for long-term purchases would not take into account operational characteristics and contractual provisions of each region, which can be strikingly different, and should be developed on a regional basis instead.

Response: Each of Western's regional offices follows the same general criteria in evaluating whether or not to make a long-term purchase. Each region will continue to involve its region-specific customers in the decision-making process and take into account region-specific impacts.

Comment: Increasing the diversity of Western's portfolio should be included in the list of ''occurrences'' in Principle No. 1, in addition to the partial list provided that sets forth reasons for making such purchases, such as lost hydropower generation or drought.

Response: Western markets power in a manner to encourage the most widespread use at the lowest possible rates consistent with sound business principles. Acquiring a renewable resource solely for the purpose of portfolio diversity, regardless of price, runs counter to Western's mission. However, diversity is one of the existing principles that Western will continue to use to evaluate long-term resource acquisitions.

Planning and Coordination

Comment: Several comments note there are existing processes and regular planning meetings to discuss potential resource acquisitions developed by Western and customers that address drought, resource, and financial interests. These processes have been developed over a period of years following extensive collaboration between Western and its customers and should not be undermined by a new policy. Comments expressed concern about how Western's new proposal would work with the existing processes and if those current processes would be continued in the future.

Response: Western does not plan to change any ongoing processes or regular planning meetings with its customers. Western will continue to coordinate closely with its customers about long-term purchase requirements.

Comment: Fundamental principles should be developed in consultation with project-specific customers and all interested parties with respect to hydrology, capacity/energy purchased, and customer needs and willingness to pay for purchases and/or opt out of payment for such purchases. Notification and planning of such purchases should be made to the customers and other interested parties prior to any long-term transaction.

Response: Western does not plan to change any ongoing processes or regular planning meetings to discuss resource acquisitions with its customers. Western will continue to coordinate closely with its customers to develop criteria for long-term purchase requirements.

Implementation

Comment: If Western is considering requests for resource proposals (short or long-term), notices and invitations for bids should be posted on Western's Web site with sufficient notice to the public.

Response: Western is not changing its acquisition principles. Western does provide notice to potential suppliers and interested stakeholders when soliciting requests for power depending upon the term sought. Typically, short-term purchases do not require as involved a process as long-term purchases; however, both processes involve appropriate notification and involvement following the specific processes used by each of Western's regional offices.

Comment: Does Western plan to send out proposed revisions after the comment period is over?

Response: Western carefully considered the comments received and any potential revisions. Western

decided to retain the existing acquisition principles and remove only the transmission planning principles, which are now being performed under Western's OATT. Given the comments provided, the vast majority of which supported removal of the transmission planning principles, Western has determined that an additional comment period is not necessary.

Comment: The proposal in the June 29, 2011, **Federal Register** notice (76 FR 38146) has changes to sections 1, 4, 5, and 6 of Western's Final Principles of IRP. Will the 1995 Principles be superseded in their entirety?

Response: Western is maintaining its existing IRP policy and has eliminated only the duplicative Transmission Planning Principles. Therefore, the 1995 resource acquisition principles will remain in place.

Comment: Would it be possible to see all proposed revisions in one place to eliminate confusion? Also, why are comments due 8 days after the public meeting?

Response: Western posted a redline/strikeout version of the Proposed Revised Final Principles of IRP Related to Resource Acquisition on its Web site and also provided this information at the July 21, 2011, public meeting. Western also provided 30 days for the submission of comments. The **Federal Register** notice was published on June 29, 2011, and comments were due to Western on July 29, 2011. Due to logistics, Western's public meeting was scheduled late in that period. All parties had 30 days from initial publication to comment.

Comment: Western should include in its work plan and in the IRP Principles a proposal to aggregate demand from a number of smaller utilities and loads so these customers can benefit from the economies of scale of investing in a larger resource.

Response: Although small customers may benefit from pooled resource acquisition, coordinating such purchases is considered beyond the scope of the proposal.

Comment: Western should seek to coordinate its Request for Proposals (RFP) with those of other regional entities so all parties may capture any economic and environmental benefits of larger-scale resource acquisitions.

Response: Western would consider coordination of RFPs among its regional offices to achieve economies of scale, and the load diversity created by Western's extensive geographic service territory may make certain purchases more economically viable. Western could also consider a combined RFP with others for long-term resource acquisitions. The feasibility of such a combined RFP would depend on the complexity of coordination and the various acquisition requirements.

Comment: Western should create a ''standard offer,'' similar to one offered by the Tennessee Valley Authority (TVA), for small- to mid-sized renewables that would offer set prices and long-term contracts under simplified application and contracting processes.

Response: Western and TVA have very different authorities and authorizations. TVA has a much broader authority for providing resources for load growth within its region. Western's resources are limited to generation provided at certain facilities. Western's authorizing legislation requires it to deliver this power at the lowest cost possible consistent with sound business practices. To accomplish this goal, Western is committed to having an open process available for all resource providers under its existing procedures.

Comment: Western has a great opportunity to facilitate renewable resource development through the use of its hydro resources to provide firming and shaping products for variable resources like wind.

Response: Western already uses the long-term, load-following capability of the Federal hydroelectric facilities to support the obligations of its firm electric service contracts. Western will continue to consider resource diversity in evaluating long-term resource acquisitions.

Evaluation Criteria

Comment: Western's existing hydropower resources should be considered as a renewable resource under the IRP policy, and Western should ensure that any renewable purchases do not operationally affect hydropower generation. Conversely, another comment suggested that Western should not consider large-scale hydropower as a renewable resource.

Response: Western supports consideration of large-scale hydropower as a clean, renewable, power resource and will work with its customers, where appropriate, to promote hydropower as a recognized renewable resource. Western determined the existing evaluation principles, as a whole, provide ample opportunity to assess the potential impacts any resource may have on operation of hydropower resources.

Comment: The proposed evaluation criteria are not clear. Further, defining the process for using the evaluation criteria is needed before an assessment of the criteria's value can take place.

Response: Western has decided not to adopt the proposed evaluation criteria. Western's existing acquisition principles are sufficient and broad enough to give Western the needed flexibility to make future, long-term purchases. There are many aspects to long-term power purchases, and the existing guidelines are sufficient to provide guidance to Western in how resource acquisitions should be considered. Additional consideration of a resource will be provided by each of Western's regions at the time a long-term purchase is considered.

Comment: The diversity criterion is broad enough to contain an adequate consideration of renewable energy resources; therefore, a separate criterion for renewable resources is not needed.

Response: Under its existing acquisition principles, Western will continue to give consideration to the environmental attributes of different generation sources as part of any long-term purchase.

Comment: Western should remove references to demand-side management from Criterion 5 (e)—''Environmental Impact.''

Response: Although Western is not adopting new principles, under its existing acquisition principles the criteria will continue to address environmental impacts, as well as other relevant considerations, when evaluating possible long-term resource options, which include demand-side management.

Comment: The proposed process language is silent about how the evaluation criteria would be used for any specific resource procurement need; each criterion could have different weightings with such weightings being contingent on the specifics of the procurement need. The comment proposes revising the Section 5 introductory statement to read: ''5. When evaluating potential resource acquisitions under the Final Principles of Integrated Resource Plan, the following criteria will be considered, and given weightings based upon the specific resource acquisition being considered.''

Response: Western is not changing its acquisition principles. Under Western's existing principles, there may be a need to weight the evaluation contingent upon the type of purchase that needs to be made, which can be accomplished as part of a specific resource purchase.

Comment: Why did Western include Criterion 5 (e)—''Environmental Impact?'' What does Western intend by this criterion? Is Western required by law to have this criterion in resource evaluations? If not, it could be deleted

in favor of those identified in Criterion 5 (g)—''Renewable Energy Resource.''

Response: As part of a long-term resource acquisition, Western must perform a National Environmental Policy Act (NEPA) analysis. Although Western is not changing its acquisition principles, the level of NEPA analysis will continue to be decided as a part of the specific acquisition process.

Comment: Western would have greater flexibility if Criterion 5 (g)—''Renewable Energy Resource,'' were instead titled ''Environmental/Green Attributes (Including Renewables),'' which would enable Western to make purchases, such as large-scale hydropower, that are sometimes not considered as renewable-energy resources under legislative mandates. This change would allow Western to address the question: ''Does the replacement resource being procured have comparable environmental attributes to what is required?''

Response: Western agrees with the concept, and the existing principles already allow the consideration of renewable resource options. The language is broad enough to allow Western to consider both existing and emerging technologies providing potential environmental/green attributes.

Comment: Criterion 5 (i)—''Transmission Availability'' might be more appropriately titled ''Deliverability.'' Deliverability encompasses transmission availability, but in addition covers any other delivery-related issues. This would give more flexibility to Western in long-term resource procurement decisions.

Response: The existing principles require that Western consider dependability and dispatchability to capture delivery-related concerns.

Comment: Agree with Criterion 5 (h)—''Risk.'' Any risk analysis should include fuel price and energy-policy risks.

Response: Western appreciates the comment and will continue to consider all relevant factors when evaluating purchase decisions using its existing principles including, but not limited to, fuel price and energy-policy risks.

Comment: Contractual obligations should be adjusted based on generation facility type. ''Dependability'' should be redefined for renewables compared to traditional generation, and ''Dispatchability'' and ''Transmission Availability'' criteria should not be so rigid as to discriminate against variable-energy resources.

Response: Although Western is not changing its acquisition principles, dependable and dispatchable resources continue to be required for Western's operations. Having available transmission to receive and make deliveries of power is critical. Western is supportive of industry efforts to better integrate renewable resources and will consider the availability and dependability of all potential resources when evaluating a potential long-term purchase. Western will not automatically rule out renewable resources in considering energy purchases and will continue to take into account all of the existing principles when evaluating a potential long-term purchase.

Comment: Western, under Criterion 5 (g)—''Renewable Energy Resource,'' should clearly state that it will give priority to renewable resources and that these types of resources will receive additional weighting when Western evaluates all proposed resources against its IRP criteria.

Response: When evaluating resources for a particular purchase, Western will evaluate all resource types following the guidelines in the existing Final Principles of IRP. Each resource acquisition will be evaluated on its own merits and not in a way that immediately excludes or promotes certain resource options.

Comment: Will Western provide more detail on the criteria used to define risk?

Response: Western's existing principles contain risk as a criterion as understood as part of good utility practice. For example, creditworthiness of energy suppliers is a legitimate concern of all utilities; having a resource unavailable due to the financial insolvency of a supplier is not in Western's interest. With regard to market uncertainties, Western will continue to evaluate carefully all potential power resources, including the consideration of externalities affecting the viability of a resource.

Comment: Western should consider long-term, life-cycle cost, including environmental costs, over a 20- to 25-year contract period, so the full value of renewable energy is demonstrated. Western should also take into account that solar resources are fueled for free and avoid the uncertainty of volatile fossil fuel commodity markets. Another comment suggested that some evaluation criteria may not reflect impending changes in energy markets. A comment suggested language stating that Western, when assessing whether to enter a long-term contract, consider near-future changes in a resource's cost, dependability, dispatchability, risk, and transmission availability.

Response: Western's existing principles are flexible and broad enough to accommodate the inevitable nuances that exist among various potential, long-term, purchase power options. In conjunction with Western's customers and in an open and transparent process, these principles will be used to examine and properly consider each potential resource on a case-by-case basis.

Comment: Western should compare the full cost of each proposal over the life of a contract and choose the proposal that will be the most cost effective. Another noted that the cost of coal will be increasing in the future, and this should be considered in Western's long-term planning.

Response: In response to several comments urging additional criteria, Western determined the existing principles are flexible and broad enough to accommodate the different circumstances that exist among various potential long-term, purchase power options. In conjunction with Western's customers and in an open and transparent process, these principles will be used to examine and properly consider each potential resource acquisition.

Comment: Western, as a government entity, needs to ensure that power purchases minimize adverse impacts to the environment and should ensure 25 percent of its energy purchase comes from renewable energy resource by 2025.

Response: Western intends to consider renewable resources for future, long-term, resource acquisitions; however, a pre-commitment to purchase power from any specific resource type, regardless of price, runs counter to Western's authority. Western is required to conduct its business in accordance with applicable law. Specifically, Western markets Federal hydroelectric power in a manner to encourage the most widespread use at the lowest possible rates to consumers consistent with sound business principles.

Comment: Western should include evaluation of externalities such as health costs, costs of environmental damage, and climate change for its purchases.

Response: The evaluation of these types of items is included in Western's existing principles.

Comment: When Western purchases power resources, it should take all reasonable steps to minimize adverse environmental impacts by purchasing clean, renewable energy such as solar.

Response: Western will continue to consider potential resources, including clean, renewable energy, for long-term purchases under its existing principles.

Comment: Concerning Criterion 5 (i)—''Transmission,'' does Western

envision this was intended only to assess whether existing transmission would be available to deliver a resource or a broader assessment that would include the difficulty/cost of constructing new transmission to facilitate delivery of the resource in a timely manner?

Response: Transmission delivery capability is a necessary component of any energy purchase, and consideration of that aspect is critical. Western has always considered this aspect, which would include evaluating the potential of new transmission, when acquiring resources.

Comment: Improvements to Western's IRP Principles should apply not only to long-term purchases (5-years or more), but to short-term purchases as well.

Response: Western is not changing its acquisition principles for acquisition of resources for more than 5 years. Applying these same criteria to short-term purchases is not practical due to the quick turnaround necessary for daily and monthly purchases. The existing Final Principles of IRP require significant evaluation and analysis and are not conducive to a short-term resource acquisition process. In its June 9, 1995, **Federal Register** notice (60 FR 30533), Western responded to a similar comment and stated that ''Western believes that it is important to maintain flexibility within these principles.''

Comment: Western should insert the following language to Principle No. 1: ''In determining the sources of power Western will deliver to its customers under all existing and new contracts [to make up for shortfalls in Federal hydropower generation][sic], Western will evaluate energy savings programs, customer demand response programs, and renewable energy generation alongside fossil resources, using consistent and transparent criteria that treat these resources objectively.''

Response: Western is not changing its acquisition principles for acquisition of resources. The existing principles include renewable resource options, which will be considered in relation to the needs of each respective region.

Comment: Western should affirmatively commit to meet a significant part of its long-term, power-purchase needs from solar and other renewable resources within a year. Western should conduct a public process to identify the quantity and type of renewable power each Western regional project office should purchase through competitive processes. This effort should culminate with the execution of long-term, purchase-power contracts for both central station and distributed renewable power resources. Western should, within a year, set a specific renewable target to meet (e.g., 25 percent by 2025).

Response: Western will evaluate the resource used to meet any long-term, power-purchase needs using the existing principles, including renewable power, within the respective region with a long-term resource need.

Comment: We support Western's proposed changes to its IRP Policy and with Western's definition of Criterion 5 (b)—''Dependability;'' Criterion 5 (d)—''Diversity;'' Criterion 5 (f)—''Indian Preference;'' and Criterion 5 (i)—''Transmission Availability,'' and support minimized transmission losses.

Response: Western appreciates the comment, but has determined not to revise the existing principles.

Comment: Technological changes have made wind and photovoltaic energy more dependable and dispatchable. Renewables offer more long-term reliability in terms of risk and are a good replacement for fossil fuels. Long-term contracts promote the certainty needed for capital investments.

Response: Western appreciates the comment and understands the benefits of renewable energy.

Comment: Leaving the resource evaluation criteria more general will provide the maximum flexibility for any specific long-term resource procurement.

Response: Western determined the existing acquisition principles strike the appropriate balance between allowing regional flexibility and providing general guidance and has determined not to revise the acquisition principles.

Revised Principles of Integrated Resource Planning Related for Use in Resource Acquisition and Transmission Planning

Accordingly, the Western Area Power Administration amends its Final Principles of IRP by eliminating entirely the requirements in the section titled: ''II. Transmission Planning Principles:'' No changes will be made to the section titled: ''I. Resource Acquisition Principles:''

Procedure Requirements

Environmental Evaluation

Western's notice to revise the Final Principles of IRP is an administrative action covered by an existing NEPA categorical exclusion. A categorical exclusion has been prepared and executed for this process. Once project-specific actions are identified under the Revised Final Principles of IRP and the project-specific evaluation developed through the existing process, those actions would be individually subject to the appropriate level of NEPA review. Factors affecting the level of NEPA review include whether the project-specific action would integrate a new generation resource, precipitate changes to the transmission system, or change the normal operating limits of existing generation resources.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this document by the Office of Management and Budget is required.

List of Subjects in 10 CFR Part 905

Electric power, Electric utilities, Energy conservation, Reporting and recordkeeping requirements.

Dated: September 11, 2014.

Mark A. Gabriel,

Administrator.

For the reasons set forth in the preamble, the Department of Energy amends Part 905 of title 10 of the Code of Federal Regulations as set forth below.

PART 905—ENERGY PLANNING AND MANAGEMENT PROGRAM

■ 1. The authority citation for part 905 continues to read as follows:

Authority: 42 U.S.C. 7152, 7191; 42 U.S.C. 7275–7276c.

■ 2. Add subpart E to read as follows:

Subpart E—Final Principles of Integrated Resource Planning for Western Resource Acquisition

Sec.

Subpart E—Final Principles of Integrated Resource Planning for Western Resource Acquisition

§ 905.50 Resource acquisition principles.

Western's resource acquisition activities will be determined by project-specific power marketing plans, hydropower production capability, and the application of the following principles of IRP:

(a) Western will consider a full range of resource options, both supply-side and demand-side, as well as renewable resource options.

(b) On a project-by-project basis, Western, through a public process involving interested stakeholders will develop criteria to be used in evaluating power resource alternatives.

(c) Evaluation criteria will address cost, environmental impact,

dependability, dispatchability, risk, diversity, and the ability to verify demand-side alternatives. Evaluation criteria will be reviewed as the need for resources changes or when long-term commitments to purchase power expire.

(d) Evaluation criteria will be consistent with Western's power marketing policy, which states that Federal power is to be marketed in such a manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles. The policy, found in Delegation Order No. 00–037.00A, is derived from statutes authorizing the sale of power from both Department of the Army and Department of the Interior hydroelectric projects. These statutes include section 5 of the Flood Control Act of 1944, 16 U.S.C. 825(s) and section 9(c) of the Reclamation Project Act of 1939.

(e) Resource acquisition planning will be consistent with power marketing plans and associated contractual obligations.

(f) Resource acquisition decisions will be documented and made available to Western's power customers and the public.

§ 905.51 Transmission planning principles.

Western's transmission planning is conducted to assess the capability of the Federal transmission system to provide adequate and reliable electric service to its customers and the interconnected power grid. These planning efforts occur as part of its participation in regional and sub-regional planning entities as well as Western's Open Access Transmission Tariff.

[FR Doc. 2014–22367 Filed 9–19–14; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 213

[Docket No. R–1495]

RIN 7100–ZA–09

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1013

Consumer Leasing (Regulation M)

AGENCY: Board of Governors of the Federal Reserve System (Board); and Bureau of Consumer Financial Protection (Bureau).

ACTION: Final rule; official interpretations and commentary.

SUMMARY: The Board and the Bureau are publishing final rules amending the official interpretations and commentary for the agencies' regulations that implement the Consumer Leasing Act (CLA). The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended the CLA by requiring that the dollar threshold for exempt consumer leases be adjusted annually by any annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W). Based on the annual percentage increase in the CPI–W as of June 1, 2014, the Board and the Bureau are adjusting the exemption threshold to $54,600, effective January 1, 2015.

Because the Dodd-Frank Act also requires similar adjustments in the Truth in Lending Act's threshold for exempt consumer credit transactions, the Board and the Bureau are making similar amendments to each of their respective regulations implementing the Truth in Lending Act in a rule published elsewhere in the **Federal Register**.

DATES: This final rule is effective January 1, 2015.

FOR FURTHER INFORMATION CONTACT:

Board: Vivian W. Wong, Counsel, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, at (202) 452–3667; for users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

Bureau: David Friend, Counsel, Office of Regulations, Bureau of Consumer Financial Protection, at (202) 435–7700.

SUPPLEMENTARY INFORMATION:

I. Background

The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) increased the threshold in the Consumer Leasing Act (CLA) for exempt consumer leases from $25,000 to $50,000, effective July 21, 2011.[1] In addition, the Dodd-Frank Act requires that this threshold be adjusted annually for inflation by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W), as published by the Bureau of Labor Statistics. In April 2011, the Board issued a final rule amending Regulation M (which implements the CLA) consistent with these provisions of the Dodd-Frank Act.[2]

Title X of the Dodd-Frank Act transferred rulemaking authority for a number of consumer financial protection laws from the Board to the Bureau, effective July 21, 2011. In connection with this transfer of rulemaking authority, the Bureau issued its own Regulation M implementing the CLA in an interim final rule, 12 CFR part 1013 (Bureau Interim Final Rule).[3] The Bureau Interim Final Rule substantially duplicated the Board's Regulation M, including the revisions to the threshold for exempt transactions made by the Board in April 2011. Although the Bureau has the authority to issue rules to implement the CLA for most entities, the Board retains authority to issue rules under the CLA for certain motor vehicle dealers covered by section 1029(a) of the Dodd-Frank Act, and the Board's Regulation M continues to apply to those entities.[4]

Section 213.2(e)(1) of the Board's Regulation M and § 1013.2(e)(1) of the Bureau's Regulation M, and their accompanying commentaries, provide that the exemption threshold will be adjusted annually effective January 1 of each year based on any annual percentage increase in the CPI–W that was in effect on the preceding June 1. Any increase in the threshold amount will be rounded to the nearest $100 increment. For example, if the annual percentage increase in the CPI–W would result in a $950 increase in the threshold amount, the threshold amount will be increased by $1,000. However, if the annual percentage increase in the CPI–W would result in a $949 increase in the threshold amount, the threshold amount will be increased by $900.[5]

II. Adjustment and Commentary Revision

Effective January 1, 2015, the adjusted exemption threshold amount is $54,600. This adjustment is based on the CPI–W index in effect on June 1, 2014, which was reported on May 15, 2014. The Bureau of Labor Statistics publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of the month. The CPI–W is a subset of the CPI–U index (based on all urban consumers) and represents approximately 28 percent of the U.S. population. The adjustment reflects a 2 percent increase in the CPI–W from April 2013 to April 2014 and is rounded to the nearest $100 increment. Accordingly, the Board and the Bureau are revising the commentaries to their respective regulations to add new comment 2(e)–9.vi stating that, from January 1, 2015 through December 31,

[1] Public Law 111–203 section 1100E, 124 Stat. 1376 (2010).

[2] 76 FR 18349 (Apr. 4, 2011).

[3] 76 FR 78500 (Dec. 19, 2011).

[4] *See also* 12 U.S.C. 5519(b).

[5] *See* comments 2(e)–9 in Supplements I of 12 CFR part 213 and 12 CFR part 1013.

2015, the threshold amount is $54,600. These revisions are effective January 1, 2015.

III. Administrative Law Matters

Administrative Procedure Act

Under the Administrative Procedure Act, notice and opportunity for public comment are not required if the Board and the Bureau find that notice and public comment are impracticable, unnecessary, or contrary to the public interest.[6] This annual adjustment is required by statute. The amendment in this notice is technical and non-discretionary, and it applies the method previously established in the agencies' regulations for determining adjustments to the exemption threshold. For these reasons, the Board and the Bureau have determined that publishing a notice of proposed rulemaking and providing opportunity for public comment are unnecessary. Therefore, the amendments are adopted in final form.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) does not apply to a rulemaking where a general notice of proposed rulemaking is not required.[7] As noted previously, the agencies have determined that it is unnecessary to publish a general notice of proposed rulemaking for this joint final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995,[8] the agencies reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

List of Subjects

12 CFR Part 213

Advertising, Consumer leasing, Consumer protection, Federal Reserve System, Reporting and recordkeeping requirements.

12 CFR Part 1013

Advertising, Consumer leasing, Reporting and recordkeeping requirements.

[6] *See* 5 U.S.C. 553(b)(B).

[7] *See* 5 U.S.C. 603 and 604.

[8] 44 U.S.C. 3506; 5 CFR 1320.

Board of Governors of the Federal Reserve System

Text of Final Revisions

For the reasons set forth in the preamble, the Board amends Regulation M, 12 CFR part 213, as set forth below:

PART 213—CONSUMER LEASING (REGULATION M)

■ 1. The authority citation for part 213 is revised to read as follows:

Authority: 15 U.S.C. 1604 and 1667f; Pub. L. No. 111–203 section 1100E, 124 Stat. 1376.

■ 2. In Supplement I to Part 213, under *Section 213.2—Definitions,* under *2(e) Consumer Lease,* paragraph 9.vi is added to read as follows:

Supplement I to Part 213—Official Staff Interpretations

* * * * *

Section 213.2—Definitions

* * * * *

2(e) Consumer lease.

9. *Threshold amount.* * * *

vi. From January 1, 2015 through December 31, 2015, the threshold amount is $54,600.

* * * * *

Bureau of Consumer Financial Protection

Authority and Issuance

For the reasons set forth in the preamble, the Bureau amends Regulation M, 12 CFR part 1013, as set forth below:

PART 1013—CONSUMER LEASING (REGULATION M)

■ 1. The authority citation for part 1013 is revised to read as follows:

Authority: 15 U.S.C. 1604 and 1667f; Pub. L. 111–203 section 1100E, 124 Stat. 1376.

■ 2. In Supplement I to part 1013, under *Section 1013.2—Definitions,* under *2(e) Consumer Lease,* paragraph 9.vi is added to read as follows:

Supplement I to Part 1013—Official Interpretations

* * * * *

Section 1013.2—Definitions

* * * * *

2(e) Consumer Lease. * * *

9. *Threshold amount.* * * *

vi. From January 1, 2015 through December 31, 2015, the threshold amount is $54,600.

* * * * *

By order of the Board of Governors of the Federal Reserve System, September 8, 2014.

Robert deV. Frierson,

Secretary of the Board.

Dated: September 3, 2014.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2014–21847 Filed 9–19–14; 8:45 am]

BILLING CODE 6210–01–P; 4810–AM–P

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Docket No. R–1494]

RIN 7100 ZA–08

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

Truth in Lending (Regulation Z)

AGENCY: Board of Governors of the Federal Reserve System (Board); and Bureau of Consumer Financial Protection (Bureau).

ACTION: Final rule; official interpretations and commentary.

SUMMARY: The Board and the Bureau are publishing final rules amending the official interpretations and commentary for the agencies' regulations that implement the Truth in Lending Act (TILA). The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended TILA by requiring that the dollar threshold for exempt consumer credit transactions be adjusted annually by any annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W). Based on the annual percentage increase in the CPI–W as of June 1, 2014, the Board and the Bureau are adjusting the exemption threshold to $54,600, effective January 1, 2015.

Because the Dodd-Frank Act also requires similar adjustments in the Consumer Leasing Act's threshold for exempt consumer leases, the Board and the Bureau are making similar amendments to each of their respective regulations implementing the Consumer Leasing Act in a joint rulemaking published elsewhere in this issue of the **Federal Register**.

DATES: This final rule is effective January 1, 2015.

FOR FURTHER INFORMATION CONTACT:

Board: Vivian W. Wong, Counsel, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, at (202) 452–

3667; for users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

Bureau: David Friend, Counsel, Office of Regulations, Bureau of Consumer Financial Protection, at (202) 435–7700.

SUPPLEMENTARY INFORMATION:

I. Background

The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) increased the threshold in the Truth in Lending Act (TILA) for exempt consumer credit transactions [1] from $25,000 to $50,000, effective July 21, 2011.[2] In addition, the Dodd-Frank Act requires that this threshold be adjusted annually for inflation by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W), as published by the Bureau of Labor Statistics. In April 2011, the Board issued a final rule amending Regulation Z (which implements TILA) consistent with these provisions of the Dodd-Frank Act.[3]

Title X of the Dodd-Frank Act transferred rulemaking authority for a number of consumer financial protection laws from the Board to the Bureau, effective July 21, 2011. In connection with this transfer of rulemaking authority, the Bureau issued its own Regulation Z implementing TILA in an interim final rule, 12 CFR part 1026 (Bureau Interim Final Rule).[4] The Bureau Interim Final Rule substantially duplicated the Board's Regulation Z, including the revisions to the threshold for exempt transactions made by the Board in April 2011. Although the Bureau has the authority to issue rules to implement TILA for most entities, the Board retains authority to issue rules under TILA for certain motor vehicle dealers covered by section 1029(a) of the Dodd-Frank Act, and the Board's Regulation Z continues to apply to those entities.[5]

Section 226.3(b)(1)(ii) of the Board's Regulation Z and § 1026.3(b)(1)(ii) of the Bureau's Regulation Z, and their accompanying commentaries, provide that the exemption threshold will be adjusted annually effective January 1 of each year based on any annual percentage increase in the CPI–W that was in effect on the preceding June 1. Any increase in the threshold amount will be rounded to the nearest $100 increment. For example, if the annual percentage increase in the CPI–W would result in a $950 increase in the threshold amount, the threshold amount will be increased by $1,000. However, if the annual percentage increase in the CPI–W would result in a $949 increase in the threshold amount, the threshold amount will be increased by $900.[6]

II. Adjustment and Commentary Revision

Effective January 1, 2015, the adjusted exemption threshold amount is $54,600. This adjustment is based on the CPI–W index in effect on June 1, 2014, which was reported on May 15, 2014. The Bureau of Labor Statistics publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of the month. The CPI–W is a subset of the CPI–U index (based on all urban consumers) and represents approximately 28 percent of the U.S. population. The adjustment reflects a 2 percent increase in the CPI–W from April 2013 to April 2014 and is rounded to the nearest $100 increment. Accordingly, the Board and the Bureau are revising the commentaries to their respective regulations to add new comment 3(b)–1.vi to state that, from January 1, 2015 through December 31, 2015, the threshold amount is $54,600. These revisions are effective January 1, 2015.

III. Administrative Law Matters

Administrative Procedure Act

Under the Administrative Procedure Act, notice and opportunity for public comment are not required if the Board and the Bureau find that notice and public comment are impracticable, unnecessary, or contrary to the public interest.[7] This annual adjustment is required by statute. The amendment in this notice is technical and non-discretionary, and it applies the method previously established in the agencies' regulations for determining adjustments to the exemption threshold. For these reasons, the Board and the Bureau have determined that publishing a notice of proposed rulemaking and providing opportunity for public comment are unnecessary. Therefore, the amendments are adopted in final form.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) does not apply to a rulemaking where a general notice of proposed rulemaking is not required.[8] As noted previously, the agencies have determined that it is unnecessary to publish a general notice of proposed rulemaking for this joint final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995,[9] the agencies reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

List of Subjects

12 CFR Part 226

Advertising, Consumer protection, Federal Reserve System, Reporting and recordkeeping requirements, Truth in lending.

12 CFR Part 1026

Advertising, Consumer protection, Credit, Credit unions, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth in lending.

Board of Governors of the Federal Reserve System

Text of Final Revisions

For the reasons set forth in the preamble, the Board amends Regulation Z, 12 CFR part 226, as set forth below:

PART 226—TRUTH IN LENDING (REGULATION Z)

■ 1. The authority citation for part 226 continues to read as follows:

Authority: 12 U.S.C. 3806; 15 U.S.C. 1604, 1637(c)(5), and 1639(l); Pub. L. 111–24 section 2, 123 Stat. 1734; Pub. L. 111–203, 124 Stat. 1376.

Subpart A—General

■ 2. In Supplement I to part 226, under *Section 226.3—Exempt Transactions,* under *3(b) Credit over applicable threshold amount,* paragraph 1.vi is added to read as follows:

Supplement I to Part 226—Official Staff Interpretations

* * * * *

Subpart A—General

* * * * *

[1] Although consumer credit transactions above the threshold are generally exempt, loans secured by real property or by personal property used or expected to be used as the principal dwelling of a consumer and private education loans are covered by TILA regardless of the loan amount. *See* 12 CFR 226.3(b)(1)(i) and 12 CFR 1026.3(b)(1)(i).

[2] Public Law 111–203 section 1100E, 124 Stat. 1376 (2010).

[3] 76 FR 18354 (Apr. 4, 2011).

[4] 76 FR 79768 (Dec. 22, 2011).

[5] *See also* 12 U.S.C. 5519(b).

[6] *See* comments 3(b)–1 in Supplements I of 12 CFR part 226 and 12 CFR part 1026.

[7] 5 U.S.C. 553(b)(B).

[8] 5 U.S.C. 603 and 604.

[9] 44 U.S.C. 3506; 5 CFR 1320.

Section 226.3—Exempt Transactions

* * * * *

3(b) Credit over applicable threshold amount.

1. *Threshold amount.* * * *

vi. From January 1, 2015 through December 31, 2015, the threshold amount is $54,600.

* * * * *

Bureau of Consumer Financial Protection

Authority and Issuance

For the reasons set forth in the preamble, the Bureau amends Regulation Z, 12 CFR part 1026, as set forth below:

PART 1026—TRUTH IN LENDING (REGULATION Z)

■ 1. The authority citation for part 1026 continues to read as follows:

Authority: 12 U.S.C. 2601, 2603–2605, 2607, 2609, 2617, 5511, 5512, 5532, 5581; 15 U.S.C. 1601 *et seq.*

■ 2. In Supplement I to part 1026, under *Section 1026.3—Exempt Transactions,* under *3(b)* Credit Over Applicable Threshold Amount, paragraph 1.vi is added to read as follows:

Supplement I to Part 1026—Official Interpretations

* * * * *

Subpart A—General

* * * * *

Section 1026.3—Exempt Transactions

* * * * *

3(b) Credit Over Applicable Threshold Amount

1. *Threshold amount.* * * *

vi. From January 1, 2015 through December 31, 2015, the threshold amount is $54,600.

* * * * *

By order of the Board of Governors of the Federal Reserve System, September 8, 2014.

Robert deV. Frierson.

Secretary of the Board.

Dated: September 3, 2014.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2014–21849 Filed 9–19–14; 8:45 am]

BILLING CODE 6210–01–P; 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0900; Special Conditions No. 25–540–SC]

Special Conditions: Airbus Model A350–900 airplane; General Limiting Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Airbus Model A350–900 airplanes. These airplanes will have a novel or unusual design feature associated with general limiting requirements of its flight-envelope protection features. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective September 22, 2014.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, FAA, Airplane and Flightcrew Interface, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2011; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 2008, Airbus applied for a type certificate for their new Model A350–900 airplane. Later, Airbus requested, and the FAA approved, an extension to the application for FAA type certification to November 15, 2009. The Model A350–900 airplane has a conventional layout with twin wing-mounted Rolls-Royce Trent XWB engines. It features a twin aisle, 9-abreast, economy-class layout, and accommodates side-by-side placement of LD–3 containers in the cargo compartment. The basic Model A350–900 airplane configuration will accommodate 315 passengers in a standard two-class arrangement. The design cruise speed is Mach 0.85 with a maximum take-off weight of 602,000 lbs.

Type Certification Basis

Under Title 14, Code of Federal Regulations (14 CFR) 21.17, Airbus must show that the Model A350–900 airplane meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model A350–900 airplane because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model A350–900 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36. The FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Airbus Model A350–900 airplane incorporates the following novel or unusual design features: General limiting requirements for the flight-envelope protection system.

Discussion

These special conditions, and the following that pertain to flight-envelope protection, present general limiting requirements for all the unique flight-envelope protection features of the basic Model A350 airplane's electronic flight-control system (EFCS) design. Current regulations do not address these types of protection features. The general limiting requirements are necessary to ensure a smooth transition from normal flight to the protection mode and adequate maneuver capability. The general limiting requirements also ensure that the structural limits of the airplane are not exceeded. Furthermore, failure of the flight-envelope protection feature must not create hazardous flight conditions. Envelope-protection parameters include angle of attack, normal load factor, bank angle, pitch angle, and speed. To accomplish these envelope protections, one or more significant changes occur in the EFCS control laws as the normal flight-

envelope limit is approached or exceeded.

Flight-envelope protection is the subject of several special conditions for the A350. Each specific type of envelope protection is addressed individually, but some requirements are common to all limiting systems and are therefore put forth as general limiting requirements.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

Notice of Proposed Special Conditions No. 25–12–08–SC for Airbus Model A350–900 airplanes was published in the **Federal Register** on January 14, 2014 (79 FR 2387). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions apply to Airbus Model A350–900 airplane. Should Airbus apply later for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**; however, as the certification date for the Airbus Model A350–900 airplane is imminent, the FAA finds that good cause exists to make these special conditions effective upon publication.

Conclusion

This action affects only certain novel or unusual design features on the Airbus Model A350–900 airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type-certification basis for Airbus Model 350–900 airplanes.

General Limiting Requirements

a. Onset characteristics of each flight-envelope protection feature must be smooth, appropriate to the phase of flight and type of maneuver, and not in conflict with the ability of the pilot to satisfactorily change airplane flight path, speed, or attitude as needed.

b. Limit values of protected flight parameters (and, if applicable, associated warning thresholds) must be compatible with the following:

(1) Airplane structural limits,

(2) Required safe and controllable maneuvering of the airplane, and

(3) Margins to critical conditions. Unsafe flight characteristics/conditions must not result if dynamic maneuvering, airframe, and system tolerances (both manufacturing and in-service), and non-steady atmospheric conditions, in any appropriate combination and phase of flight, can produce a limited flight parameter beyond the nominal design limit value.

c. The airplane must be responsive to intentional dynamic maneuvering to within a suitable range of the parameter limit. Dynamic characteristics such as damping and overshoot must also be appropriate for the flight-maneuver and limit parameter in question.

d. When simultaneous envelope limiting is engaged, adverse coupling or adverse priority must not result.

Failure States

EFCS failures (including sensor) must not result in a condition where a parameter is limited to such a reduced value that safe and controllable maneuvering is no longer available. The crew must be alerted by suitable means if any change in envelope limiting or maneuverability is produced by single or multiple failures of the EFCS not shown to be extremely improbable.

Issued in Renton, Washington, on August 27, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–22340 Filed 9–19–14; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

2 CFR Part 1882

14 CFR Parts 1267 and 1274

RIN 2700–AE15

NASA Implementation of OMB Guidance for Drug-Free Workplace Requirements (Financial Assistance)

AGENCY: National Aeronautics and Space Administration.

ACTION: Direct final rule.

SUMMARY: The National Aeronautics and Space Administration (NASA) is deleting existing drug-free workplace requirements for financial assistance in one Title of the Code of Federal Regulations (CFR), and moving it to another Title, consistent with the Office of Management and Budget's (OMB) guidance on drug-free workplace requirements for financial assistance. Further, NASA is implementing, and thereby giving regulatory effect to, the OMB guidance on drug-free workplace requirements for financial assistance.

DATES: This final rule is effective September 22, 2014. Comments are due on or before October 22, 2014. If adverse comments are received, NASA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Interested parties may submit comments, identified with RIN 2700–AE15, to NASA via the Federal E-Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments may also be submitted to Jamiel C. Commodore at *Jamiel.C.Commodore@NASA.gov.* Please note that NASA will post all comments on the Internet, including any personal information that is provided.

FOR FURTHER INFORMATION CONTACT: Jamiel C. Commodore, NASA, Office of Procurement, Contract Management Division; (202) 358–0302; email: *Jamiel.C.Commodore@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Direct Final Rule Adverse Comments

NASA has determined that this rulemaking meets the criteria for a direct final rule because it involves nonsubstantive changes to relocate sections from Title 14 to Title 2 of the Code of Federal Regulations (CFR) to properly align with the CFR structure, and to adopt OMB guidance in Title 2 CFR part 182 that has already been through the rulemaking process. No opposition to the changes and no

significant adverse comments are expected. However, if the Agency receives a significant adverse comment, it will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, NASA will consider whether it warrants a substantive response in a notice and comment process.

B. Background

Congress established drug-free workplace requirements for Federal grant recipients in section 5153 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D, which was enacted November 18, 1988). Section 5156 of the Act (41 U.S.C. 705) requires Government-wide regulations to implement the requirements. In the initial implementation of the Act, OMB issued guidance (54 FR 4946, January 31, 1989) in conjunction with agencies' issuance of a common rule (54 FR 4947). On November 26, 2003 (68 FR 66534), the agencies updated the common rule on drug-free workplace requirements and converted it to plain language.

May 11, 2004, OMB established Title 2 of the CFR with two subtitles (69 FR 26275). Subtitle A, ''Government-wide Grants and Agreements,'' contains OMB policy guidance to Federal agencies on grants and agreements. Subtitle B, ''Federal Agency Regulations for Grants and Agreements,'' contains Federal agencies' regulations implementing the OMB guidance, as it applies to grants and other financial assistance agreements and nonprocurement transactions.

As the next step in that process, OMB proposed for comment on September 26, 2008 (73 FR 55776) and finalized on June 15, 2009 (74 FR 28149) Government-wide guidance with policies and procedures to implement drug-free workplace requirements for financial assistance. The guidance is located in title 2 of the CFR as subtitle A, chapter 1, Part 182 and requires each agency to replace the common rule on drug-free workplace requirements that the agency previously issued in its own CFR title with a brief regulation in 2 CFR adopting the Government-wide policies and procedures.

In accordance with OMB's guidance, NASA is issuing a new part 1882 on drug-free workplace requirements for financial assistance in Title 2 of the CFR. This new part is NASA's implementation of the Office of Management and Budget's (OMB) guidance provided at 2 CFR part 182. Inasmuch as the new 2 CFR part 1882 replaces NASA's current coverage on this subject, NASA is removing the existing coverage from 14 CFR part 1267. The new 2 CFR part 1882 serves the same purpose as the common rule in a simpler way. The rule includes the same NASA additions and clarifications to the common rule on drug-free workplace requirements that were added to 14 CFR part 1267 in November 2003 (68 FR 66573). This final rule is part of OMB's initiative to streamline and consolidate all Federal regulations on drug-free workplace requirements for financial assistance. It is an administrative simplification that makes no substantive change in NASA policy or procedures for drug-free workplace requirements for financial assistance.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule involves an administrative adoption of previously codified material in a new part of the CFR.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects

2 CFR Part 1882

Administrative practice and procedure, Drug-free workplace, Grant programs, Reporting and recordkeeping requirements.

14 CFR Part 1267

Administrative practice and procedure, Drug-free workplace, Grant programs, Reporting and recordkeeping requirements.

14 CFR Part 1274

Grant programs-science and technology.

Cynthia Boots,

Alternate Federal Register Liaison.

Accordingly, 2 CFR and 14 CFR Parts 1260, 1267, and 1274 are amended as follows:

Title 2—Grants and Agreements

CHAPTER XVIII—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

■ 1. Add part 1882 to subtitle B, chapter XVIII to read as follows:

PART 1882—REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

Sec.

Authority: 41 U.S.C. 701 *et seq.;* 51 U.S.C. 20113(e).

§ 1882.100 What does this part do?

This part adopts the Office of Management and Budget (OMB) guidance in subparts A through F of 2 CFR part 182, as supplemented by this part, as the NASA policies and procedures for implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereafter referred to as ''the Act'') that applies to grants and cooperative agreements. It thereby gives regulatory effect for NASA to the OMB guidance. Further, it supplements the OMB guidance with NASA-specific regulation.

Subpart A—Purpose and Coverage

§ 1882.120 Are any of my Federal assistance awards exempt from this part?

This part does not apply to any award for which the Assistant Administrator for Procurement determines that the

application of this part would be inconsistent with the international obligations of the United States or the laws or regulations of a foreign government.

Subparts B–D—[Reserved]

Subpart E—Violations of This Part and Consequences

§ 1882.500 How are violations of this part determined for recipients other than individuals?

A recipient other than an individual is in violation of the requirements of this part if the Assistant Administrator for Procurement determines, in writing, that—

(a) The recipient has violated the requirements of subpart B of this part; or

(b) The number of convictions of the recipient's employees for violating criminal drug statutes in the workplace is large enough to indicate that the recipient has failed to make a good faith effort to provide a drug-free workplace.

§ 1882.505 How are violations of this part determined for recipients who are individuals?

An individual recipient is in violation of the requirements of this part if the Assistant Administrator for Procurement determines, in writing, that—

(a) The recipient has violated the requirements of subpart C of this part; or

(b) The recipient is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.

§ 1882.515 Are there any exceptions to those actions?

The Assistant Administrator for Procurement (AA) may waive with respect to a particular award, in writing, a suspension of payments under an award or a suspension or termination of an award. The Chief Acquisition Officer (CAO) may approve an award to a suspended or debarred entity if the CAO determines that such a waiver would be in the public interest. These exception authorities cannot be delegated to any other official.

Subpart F—[Reserved]

Title 14—Aeronautics and Space

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1267—[REMOVED]

■ 2. Under the authority of 41 U.S.C. 701 *et seq.,* part 1267 is removed.

PART 1274—COOPERATIVE AGREEMENTS WITH COMMERCIAL FIRMS

■ 3. The authority citation for 14 CFR Part 1274 is revised to read as follows:

Authority: 31 U.S.C. 6301 to 6308; 51 U.S.C. 20102, *et seq.*

■ 4. Revise § 1274.927 to read as follows:

§ 1274.927 Debarment and Suspension and Drug-Free Workplace.

Debarment and Suspension and Drug-Free Workplace (SEP 2014)

NASA cooperative agreements are subject to the provisions of 2 CFR Part 180, Government-wide Debarment and Suspension (Nonprocurement) and 2 CFR Part 182, Government-wide requirements for Drug-Free Workplace, unless excepted by 2 CFR 180.110 or 180.610.

[End of Provision]

[FR Doc. 2014–22365 Filed 9–19–14; 8:45 am]

BILLING CODE 7510–13–P

DEPARTMENT OF STATE

22 CFR Part 173

RIN 1400–AD50

[Public Notice: 8874]

Availability of Public Diplomacy Program Material Within the United States

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State (''Department'') finalizes an interim final rule that establishes procedures for the Department to respond to domestic requests for program material disseminated by the Department abroad. The Department adopts the rule as final, without amendment.

DATES: This rule is effective September 22, 2014.

FOR FURTHER INFORMATION CONTACT: Hilary Brandt, Director, Office of Policy, Outreach, and Governance, Bureau of International Information Programs, U.S. Department of State, SA–5, Floor 5, 2200 C Street NW., Washington, DC 20522–0505; phone (202) 632–6460.

SUPPLEMENTARY INFORMATION: Section 1078 of the National Defense Authorization Act for Fiscal Year 2013, Public Law 112–239 (''NDAA''), amended section 501 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1461; ''the Smith-Mundt Act'') (''Section 501''), governing the domestic distribution of certain information about the United States, its people, and policies (''Program Material'') prepared for dissemination abroad.

The revised Section 501 authorizes the use of public diplomacy funds for the preparation, dissemination and use of Program Material ''intended for foreign audiences abroad,'' authorizes the Department to make such material available within the United States upon request, and requires that the Department issue regulations to establish procedures to maintain such material, for reimbursement of reasonable costs incurred in fulfilling requests for such material, and to ensure that persons seeking the release of such material have secured and paid for necessary U.S. rights and licenses. For more background, see the interim final rule, published at 79 FR 22016. The Department received no public comments in response to the interim final rule.

Regulatory Analyses

For the complete regulatory analysis regarding this rulemaking, please refer to the analysis included in the interim final rule, published at 79 FR 22016, which is adopted herein.

List of Subjects in 22 CFR Part 173

Broadcasting, Communications, Education, Foreign relations, Freedom of information, Information, Publications records, Radio.

PART 173—AVAILABILITY OF PUBLIC DIPLOMACY PROGRAM MATERIAL IN THE UNITED STATES

Accordingly, the interim final rule, amending 22 CFR chapter I, subchapter R, by adding a new part 173, published in the **Federal Register** on April 21, 2014, at 79 FR 22016, is adopted as final, without amendment.

Dated: September 2, 2014.

Richard Stengel,

Under Secretary for Public Diplomacy and Public Affairs.

[FR Doc. 2014–22489 Filed 9–19–14; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0700]

RIN 1625–AA00

Safety Zone; Riverside Music Festival, Missouri River, Mile 372.0; Riverside, MO

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all waters of the Missouri River, covering all waters within a 700 foot radius of the barge located at mile 372.0. This temporary safety zone is necessary to protect persons and property from potential damage and safety hazards during the Riverside Music Festival. Entry into, transit through or remaining within this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Upper Mississippi River or a designated representative.

DATES: This rule is effective from 09:00 p.m. to 11:30 p.m. on September 20, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0700. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Matt Marler, U.S. Coast Guard; telephone 314–269–2546, email *matthew.v.marler@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. The Coast Guard was made aware of the event on June 12, 2014. An event involving fireworks on or over the Missouri River presents potential hazards and a safety zone is required to protect persons and property on or near the waterway during the displays. Completing the NPRM process and providing notice and a comment period is contrary to the public interest because it would unnecessarily delay this rule and the immediate safety measures it provides. Additionally, delaying the effective date for this safety zone to complete the NPRM process would interfere with the planned display and would unnecessarily interfere with contractual obligations related to this event.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Providing a full 30 days notice would be impracticable and would unnecessarily delay the effective date of this rule. Delaying the effective date would also be contrary to public interest since immediate action is necessary to protect persons and property from potential hazards associated with fireworks displays over or on the Upper Mississippi River.

B. Basis and Purpose

A fireworks display is scheduled for September 20, 2014. This safety zone encompasses all waters extending 700 feet in all directions of the barge located at mile marker 372.0 on the Missouri River at Riverside, MO. The Coast Guard determined that a safety zone is necessary to keep persons and property clear of any potential hazards associated with the launching of fireworks on or over the waterway.

The legal basis and authorities for this rule are found in 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory safety zones.

The purpose of the rule is to establish the necessary temporary safety zone to provide protection for persons and property, including spectators, commercial and recreational vessels, and others that may be in the area during the noticed fireworks display times from the hazards associated with the fireworks display on and over the waterway.

C. Discussion of the Final Rule

The COTP Upper Mississippi River is establishing a temporary safety zone from 9:00 p.m. to 11:30 p.m. on September 20, 2014 for the Riverside Music Festival. The fireworks will be launched from a barge located within the navigable channel and the safety zone will include all waters extending 700 feet in all directions at River mile marker 372.0. The Coast Guard will enforce the temporary safety zone and may be assisted by other federal, state and local agencies and the Coast Guard Auxiliary. During the periods of enforcement, no vessels may transit into, through, or remain within this Coast Guard safety zone. Deviation from the safety zone may be requested by contacting the COTP Upper Mississippi River or other designated representative. Deviations will be considered on a case-by-case basis.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes or executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. This temporary final rule establishes a safety zone that will be enforced for a limited time period. During the enforcement period, vessels are prohibited from entering into or remaining within the safety zone unless specifically authorized by the COTP Upper Mississippi River or other

designated representative. Based on the location, limited safety zone size, and short duration of the enforcement period, this rule does not pose a significant regulatory impact. Additionally, notice of this safety zone or any changes in the planned schedule will be made via Broadcast Notices to Mariners, Local Notices to Mariners, and/or Marine Safety Information Bulletins as appropriate. Deviation from this rule may be requested from the COTP Sector Upper Mississippi and will be considered on a case-by-case basis.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor at Missouri River mile 372.0, from 9:00 p.m. to 11:30 p.m. on September 20, 2014. This safety zone would not have a significant economic impact on a substantial number of small entities because it is limited in size and will be enforced for a limited time period. The Coast Guard will provide notice of enforcement and changes in the planned schedule through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Marine Safety Information Bulletins as appropriate.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishment of a temporary safety zone to protect persons and property from potential hazards associated with the scheduled Riverside Music Festival Fireworks display taking place on or over the Missouri River. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead

to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

■ 2. A new § 165.T08–0700 is added to read as follows:

§ 165.T08–0700 Safety Zone; Riverside Music Festival, Missouri River, Mile 372.0, Riverside, MO.

(a) *Location.* The following area is a temporary safety zone: All waters of the Missouri River, extending 700 feet in all directions on the Missouri River mile marker 372.0, at Riverside, MO.

(b) *Effective Dates and Enforcement Periods.* This safety zone is effective and will be enforced from 9:00 p.m. to 11:30 p.m. on September 20, 2014.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, movement within, or departure from this zone is prohibited unless authorized by the Captain of the Port (COTP) Upper Mississippi River or a designated representative.

(2) Persons or vessels requiring entry into, departure from, or movement within a regulated area must request permission from the COTP Sector Upper Mississippi or a designated representative. They may be contacted on VHF–FM Channel 13 or 16, or through Coast Guard Upper Mississippi River at 314–269–2500.

(3) All persons and vessels shall comply with the instructions of the COTP Upper Mississippi River and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel includes Commissioned, Warrant, and Petty Officers of the U.S. Coast Guard.

(d) *Informational Broadcasts.* The COTP Upper Mississippi River or a designated representative will inform the public through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Marine Safety Information Bulletins as appropriate of the enforcement period for each safety zone as well as any changes in the planned and published dates and times of enforcement.

Dated: July 29, 2014.

M. L. Malloy,

Captain, U.S. Coast Guard, Captain of the Port Upper Mississippi River.

[FR Doc. 2014–22431 Filed 9–19–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 175 and 181

46 CFR Parts 160 and 169

[Docket No. USCG–2013–0263]

RIN 1625–AC02

Personal Flotation Devices Labeling and Standards

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is issuing this final rule to remove references to type codes in its regulations on the carriage and labeling of Coast Guard-approved personal flotation devices (PFDs). Removing these type codes from our regulations will facilitate future incorporation by reference of new industry consensus standards for PFD labeling that more effectively convey safety information, and is a step toward harmonization of our regulations with PFD requirements in Canada and in other countries.

DATES: This final rule is effective October 22, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this rule as of May 3, 2012.

ADDRESSES: To view documents mentioned in this final rule as being available in the docket, go to *http://www.regulations.gov* and insert ''USCG–2013–0263'' in the ''Search'' box. Click ''Search'' and then click the ''Open Docket Folder'' icon. The following link will take you directly to the docket: *http://www.regulations.gov/#!docketDetail;D=USCG-2013-0263.*

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Ms. Brandi Baldwin, Lifesaving and Fire Safety Division, Coast Guard; telephone 202–2–372–1394, email *brandi.a.baldwin@uscg.mil.* For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FDA Food and Drug Administration
FR Federal Register
LEO Law enforcement officer
NPRM Notice of proposed rulemaking
NBSAC National Boating Safety Advisory Council
OMB Office of Management and Budget
OSHA Occupational Safety and Health Administration
PFD Personal flotation device
Pub. L. Public Law
RA Regulatory Analysis
§ Section
U.S.C. United States Code

II. Basis and Purpose

Under 46 U.S.C. 3306, 4102, and 4302, the Secretary of the Department in which the Coast Guard is operating is charged with prescribing safety requirements for lifesaving equipment on inspected vessels, uninspected vessels, and recreational vessels. Type approval and carriage requirements for personal flotation devices (PFDs) fall under this authority. In Department of Homeland Security Delegation No. 0170.1(II)(92)(b), the Secretary delegated this 46 U.S.C., Subtitle II, authority to the Commandant. As required under 46 U.S.C. 4302(c)(4), the Coast Guard has consulted with the National Boating Safety Advisory Council (NBSAC) regarding the issue addressed by this final rule. *See* NBSAC *Resolution 2012–90–05* (available in the docket).

The purpose of this final rule, which removes references to type codes in our regulations on the carriage and labeling of Coast Guard-approved PFDs, is to facilitate future adoption of new industry consensus standards for PFD labeling that more effectively convey safety information, and to help

harmonize our regulations with PFD requirements in Canada and in other countries. Specifically, this final rule will enable the Standards Technical Panel (Panel), the panel charged with the new industry consensus standards, to complete development of a standard for wearable PFDs without including unnecessary references to type codes. By paving the way for the Panel to develop a new standard, this final rule supports the efforts of the U.S.-Canada Regulatory Cooperation Council, a bilateral effort coordinated by the Office of Management and Budget (OMB) to develop a ''North American Standard for lifejackets.''

III. Background

Labeling of PFDs is an important safety matter, as it is the primary means by which the manufacturer communicates to the end user how to select the right PFD and use and maintain it properly. Based on the volume of queries to the Coast Guard in recent years, including questions from NBSAC members, we believe that the current labels on Coast Guard-approved PFDs are confusing to the boating public and do not effectively communicate important safety and regulatory information to users and law enforcement personnel.

As noted in the previous section, the Coast Guard is charged with establishing minimum safety standards, as well as procedures and tests required to measure compliance with those standards, for commercial and recreational vessels, and associated equipment. Under this authority, the Coast Guard has established requirements for the carriage of approved PFDs that meet certain minimum safety standards.

The minimum requirements for Coast Guard-approved PFDs are codified in 46 CFR part 160, and include requirements for labeling. Our current regulations require that a type code be marked on each Coast Guard-approved PFD. The Coast Guard historically has used type codes in its regulations to identify the level of performance of an approved PFD. Types I, II, and III refer to wearable PFDs (lifejackets) in decreasing order of performance; Type IV refers to throwable PFDs; and Type V refers to any PFD that is conditionally approved as equivalent in performance to Type I, II, III, or IV.

Coast Guard regulations specify which Coast Guard-approved PFDs are acceptable for particular applications. Although most of the carriage requirements for inspected vessels identify the appropriate PFDs by the applicable approval series [1] (*see, for example,* 46 CFR 199.10 and 199.70(b)), our carriage requirements for recreational boats (33 CFR part 175), uninspected commercial vessels (46 CFR part 25) and sailing school vessels (46 CFR part 169) specify particular type codes.

In 2004, the consultant Applied Safety and Ergonomics studied the current PFD classification and labeling system through the National Non-Profit Organization Recreational Boating Safety Grant Program. The consultant's final report, entitled ''Revision of Labeling and Classification for Personal Flotation Devices (PFDs)'' (available in the docket), suggested that our current labels are inadequate and that users do not adequately understand our PFD type codes.

We published a notice of proposed rulemaking (NPRM) on August 14, 2013 (78 FR 49412) that proposed to remove references to type codes in our regulations on the carriage and labeling of Coast Guard-approved PFDs. Removing these type codes from our regulations will free the Panel to develop improved industry consensus standards for the specific content and format of PFD labels and facilitate future incorporation by reference of new industry consensus standards for PFD labeling that will more effectively convey safety information, and is a step toward harmonization of our regulations with PFD requirements in Canada and in other countries. Once the Panel completes their work on revising the standards, the Coast Guard intends to evaluate those standards for possible incorporation by reference in our regulations; any such incorporation by reference would involve a separate notice-and-comment rulemaking.

IV. Discussion of Comments and Changes

We received 31 written submissions to the docket. No public meetings were requested and none were held.

Several commenters noted that current PFD labeling is confusing, and that most people who use PFDs do not know or do not care about type codes. The Coast Guard agrees that current PFD labeling is not well understood by the public.

One commenter agreed with the Coast Guard in that the type code system is flawed, but stated he is not sure a new system will be any easier. Another commenter pointed out that the type codes are currently being taught in the state boating safety education classes. Other commenters expressed concern that the removal of type codes would leave recreational boaters and commercial vessel operators with no information for selecting the correct PFD. The Coast Guard notes that, although this rule will remove the type code terminology from CFR sections in the regulatory text, PFD labels will not change until the industry consensus standards are revised. Although we expect that the transition to a new system of classification and labeling would require some re-education of the boating community, we are confident that the public would ultimately benefit from a system of classification and labeling that uses plain language terminology. Throughout this transition, PFD users will have sufficient information to comply with PFD requirements because our definition for a ''throwable PFD'' or a ''wearable PFD'' readily conveys whether a PFD with a type code on it meets the requirement.

Several commenters expressed concerns about the impact that eliminating the existing type code system will have on boaters and their existing PFDs. This final rule removes type code language from our carriage requirements and from our regulations for labeling of new PFDs, but does not make any changes to the number of wearable or throwable PFDs required. Also we are not requiring any changes to any existing approved PFDs already purchased and in use. The Coast Guard acknowledges that PFDs are typically carried on boats for several years and reaffirms that approved PFDs marked with type codes will still meet carriage requirements as wearable or throwable PFDs, as appropriate, as long as they remain in serviceable condition.

Several commenters had specific suggestions for alternate formatting and content of a new PFD label. Our proposed rule addressed only the minimum information required to be present on PFD labels, not the specific format. Therefore, these comments are beyond the scope of this rulemaking. The Coast Guard will refer those concerns to the Panel, so that they may be considered as appropriate during the standards development process.

One commenter proposed that the Coast Guard PFD performance and labeling requirements should align exactly with International Convention for the Safety of Life at Sea (SOLAS) standards. Another commenter suggested that instead of labeling, the Coast Guard reorient its focus to increased performance standards. Comments regarding PFD performance requirements are beyond the scope of

[1] Approval series refers to the first six digits of a number assigned by the Coast Guard to approved equipment.

this rulemaking, which focuses only on simplifying PFD labeling and the removal of type code language from our regulations.

Two commenters suggested eliminating the ''throwable'' classification, as defined in our NPRM, and no longer requiring carriage of throwable PFDs. The Coast Guard believes the ''throwable'' classification is a necessary distinction from ''wearable'' PFDs. Wearable and throwable PFDs are evaluated to different standards, have different purposes, and meet different carriage requirements. Additionally, removing the carriage requirement for throwable PFDs is beyond the scope of this rulemaking.

One commenter referenced the exemption from carriage requirements for sailboats in our proposed 33 CFR 175.17(c) (existing 33 CFR 175.17(d)). Our edits to 33 CFR 175.17 remove existing paragraph (a), which relates to labeling, and reorganize the subsequent paragraphs accordingly. This rule does not exempt sailboats or any other vessels—changes to the current carriage requirements are beyond the scope of this rulemaking.

One commenter suggested breaking the proposed ''wearable'' category further into ''active'' and ''passive.'' The Coast Guard notes that delineating between active and passive PFDs would be of no consequence without a change to the carriage requirements, which is beyond the scope of this rulemaking. However, the Coast Guard acknowledges that the activation mechanism of the PFD can help the user make an informed decision when selecting an appropriate PFD for a particular activity and will refer this comment to the Panel for consideration in future standard development efforts.

One commenter suggested that ''PFD'' is confusing as a term, and that the Coast Guard should refer to PFDs as ''lifejackets.'' The Coast Guard agrees that the term lifejacket is more widely understood by the public, and uses the term lifejacket to refer to wearable PFDs in media and other public outreach materials. However, the Coast Guard prefers to use the term PFD in regulatory and standards language because it appropriately captures both wearable devices (e.g., lifejackets, buoyancy aids) and throwable devices (e.g., ring buoys, buoyant cushions).

One commenter stated that there may be ''unintended complications'' from our efforts to harmonize terminology with Canada and to simplify the labeling of PFDs. The Panel consists of both U.S. and Canadian stakeholders, including representatives of the Coast Guard and Transport Canada, and both countries have agreed in principle to adopt this harmonized standard. The Coast Guard has worked with, and will continue to work with, our Canadian counterparts to resolve any complications to which the commenter alludes. Once the Panel completes their work, the Coast Guard will evaluate the new standard for incorporation by reference into our regulations; we would publish an NPRM soliciting public comment if we seek to incorporate the Panel standard by reference. The potential adoption or regulatory incorporation of a harmonized standard into Coast Guard regulations would be subject to notice-and-public-comment procedures, providing an additional venue for identifying and resolving complications.

Several commenters acknowledged this rulemaking as a step towards harmonization, but expressed concern over the current process for PFD approval and the availability of recognized independent laboratories for testing and factory follow-up. This rulemaking does not address approval or testing, and does not affect the existing requirements for recognized independent laboratories, and thus these comments are outside the scope of this rulemaking.

Some State agency commenters requested more time to comply with the changes introduced by this rule. They noted that costs will be incurred when updating and revising not only State laws and regulations, as applicable, but also written material—such as guide books or educational pamphlets. As discussed above, this rulemaking is a necessary step to permit the transition to a new PFD labeling format. This final rule does not affect existing PFDs previously purchased or currently in use, because our definition for a ''throwable PFD'' or a ''wearable PFD'' readily conveys whether a PFD with a type code on it meets the requirement. Additionally, we believe that, even after a new label standard is completed, it will take industry time to exhaust its supplies of type labels and to begin printing the new labels. Therefore, we expect a prolonged transition to a new label format, during which time both label formats would be present in the market. Likewise, we anticipate that it will take time for States and other entities to update their outreach and education materials, which will result in an overlap period. States may choose not to update their training materials immediately since existing PFDs, with type codes on them, may still be used. However, this final rule must be effective to permit a transition phase to begin. This rule will become effective October 22, 2014, and we encourage all affected agencies to update their outreach materials as the market transitions over the next few years.

One commenter suggested that the Coast Guard reach out to authors of other voluntary consensus standards regarding possible impacts of this rule. As discussed in the NPRM, we reviewed material from other Federal and State regulatory agencies, particularly existing regulatory text, for potential impacts from the removal of the type codes from the Coast Guard's regulations. We also noted there may be other entities interested. We acknowledge the comment and note no additional entities identified their organizations during the proposal's comment period or in response to the proposal's public affairs material. We would expect that others affected may emerge as they review the **Federal Register** and other public affairs materials and will work with them as the Panel develops the new standard.

One commenter pointed out several additional sections of regulatory text where references to type codes still appear in marking requirements and suggested that we amend these as well. The Coast Guard acknowledges that it did miss some references to type codes that should have been removed when we drafted the NPRM. To correct that omission, we made two changes to the regulatory text. We amended the regulatory text related to PFD marking requirements in 46 CFR 160.053–5 and 160.077–31. These changes are consistent with our proposed changes in the NPRM. However, the Coast Guard notes that it cannot remove every reference to type codes at this time. The industry consensus standards which are currently incorporated by reference into the regulations as the basis for Coast Guard approval of PFDs, which include requirements for materials, construction, and testing, as well as labeling, still use type codes. Therefore, the PFDs tested to these standards still are assigned a type code, even if that type code is no longer required to be printed on the label. But these remaining references to type codes will not hinder the Panel's efforts to develop improved industry consensus standards.

In addition to the changes noted above based on comments, we made a few editorial, non-substantive changes from the regulatory text proposed in the NPRM. For example, in 33 CFR 175.17 we changed our qualifier for canoes and kayaks from ''16 feet in length and over'' to ''16 feet or more in length'' to make it consistent with preferred language used in 33 CFR 175.15(b).

V. Discussion of the Rule

In this final rule, the Coast Guard removes references to longstanding PFD type codes from its regulations for the carriage and marking of Coast Guard-approved PFDs. Under these amendments, the number and kind of PFDs required to be carried on a vessel will not change, but the terminology used to refer to approved PFDs will. Our current assignment of a type code to a PFD does not affect the PFD's suitability for meeting the applicable vessel carriage requirements. This final rule removes regulatory barriers to the development of a new industry consensus standard for PFD labels, which would potentially allow manufacturers to produce a more user-friendly label format on Coast Guard-approved PFDs in the future. For a detailed description of the proposed rule, see the NPRM (78 FR 49413, August 14, 2013).

VI. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive Orders (E.O.s) related to rulemaking. Below we summarize our analyses based on 14 of these statutes or E.O.s.

A. Regulatory Planning and Review

E.O.s 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This final rule is not a significant regulatory action under section 3(f) of E.O. 12866 as supplemented by E.O. 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of E.O. 12866. The Office of Management and Budget (OMB) has not reviewed it under E.O. 12866. Nonetheless, we developed a regulatory analysis (RA) describing the costs and benefits of the rule to ascertain its probable impacts on industry. A final RA follows.

The RA provides an evaluation of the economic impacts associated with this final rule. The table which follows provides a summary of the final rule's costs and benefits.

TABLE 1—SUMMARY OF THE RULE'S IMPACTS

Category	Summary
Affected Population	66 PFD manufacturers. 6 Federal agencies. Up to 56 State/territorial jurisdictions.
Costs ($, 7% discount rate)	$15,224 (annualized: $692 private sector, $14,532 government). $106,928 (10-year: $4,857 private sector, $102,071 government).
Unquantified Benefits	* Improve effectiveness of PFD marking/labels without compromising safety. * Prevent misuse and misunderstandings of PFDs. * Remove impediment to future harmonization with international standards.

The final rule revises the existing regulations regarding labeling of PFDs, by removing requirements for type codes to be included on PFD labels.

Affected Population

Based on the Coast Guard Guard's Marine Information for Safety and Law Enforcement database, we estimate that this final rule affects approximately 66 PFD manufacturers. Up to 56 State and territorial jurisdictions may be impacted. There are six Federal governmental agencies—the Department of Labor's Occupational Safety and Health Administration (OSHA); the Department of the Interior's Bureau of Reclamation, National Park Service, and United States Fish and Wildlife Service; the Department of Agriculture's Forest Service; and the Department of Defense—which may have to adjust their regulations or policy documents because they incorporate Coast Guard standards that mention PFD type codes. Of these six, OSHA is the only agency we have identified that specifically references Coast Guard type codes in its regulations. We have coordinated with the OSHA Directorate of Standards and Guidance to ensure that OSHA's PFD-related regulations can be aligned readily with the revisions to the Coast Guard regulations. We also have reached out via the Interagency Working Group for Visitor Safety to the National Park Service, Bureau of Reclamation, Forest Service, U.S. Army Corps of Engineers, and the United States Fish and Wildlife Service, and they have not expressed any objections to our proposed action. We received no comments on the estimated affected population in the public comment period.

Costs

The Coast Guard expects that this rule will result in one-time costs of approximately $114,413 ($111,209 at 7% a discount rate). See Table 2 below. The Coast Guard estimates that $5,197 ($4,857 at 7% a discount rate) is attributable to the private sector. We estimate that this final rule affects 66 manufacturers of PFDs. No additional equipment will be required by the rule; however some labor may be required. PFD manufacturers may need to reprogram stitching machines or silk screen machines to conform with the new label requirements. This rule only affects labeling on PFDs manufactured after the effective date of this rule.

TABLE 2—REGULATORY COST BREAKDOWN

	Duration (hours)	Loaded wage	Affected entities	Total
Private Sector Costs	1	$78.74	66	$5,197
Federal Regulatory Review	0.5	79.38	6	238
Federal Policy Document Update	10	79.38	6	4,763
Federal Stakeholder Notification	0.5	79.38	6	238

TABLE 2—REGULATORY COST BREAKDOWN—Continued

	Duration (hours)	Loaded wage	Affected entities	Total
State Regulatory Review	0.5	73.43	56	2,056
State Stakeholder Notification	0.5	73.43	56	2,056
State Policy Update by Legislature	10	73.43	36	26,435
State Policy Update by Commission	100	73.43	10	73,430
Total				114,413

Federal agencies that incorporate by reference the Coast Guard regulations amended by this final rule may need to review their regulations to assure consistency with the change. Some States and Federal agencies may want to initiate rulemakings or legislation to update their regulations or statutes to remove unnecessary references to type codes. States and Federal agencies may need to communicate to law enforcement personnel the changes of the final rule and some authorities may need to update their boating safety training materials to reflect the changes. These costs are described in the following passages.

The Coast Guard acknowledges the States' concerns regarding the alignment of their statutes and regulations with Coast Guard requirements. However, our revised regulatory text includes the relevant type codes in the definitions of ''wearable PFD'' and ''throwable PFD.'' Therefore, language that references type codes would still be considered not inconsistent with these regulations at this time.

Recreational boaters will not experience a cost increase because of this rulemaking. Existing PFDs may continue to be used. No action is required by recreational boaters.

The table which follows presents the estimated cost associated with the rulemaking.

TABLE 3—TOTAL ESTIMATED COST ASSOCIATED WITH THE RULEMAKING

	Discounted 7%	Discounted 3%	Undiscounted
Year 1	$106,928	$111,081	$114,413
Year 2	0	0	0
Year 3	0	0	0
Year 4	0	0	0
Year 5	0	0	0
Year 6	0	0	0
Year 7	0	0	0
Year 8	0	0	0
Year 9	0	0	0
Year 10	0	0	0
Total	106,928	111,081	114,413
Annualized	15,224	13,022	11,441

The Coast Guard estimates that reprogramming stitching machines or silk screen machines takes approximately 1 hour per manufacturer. This estimate comports with the Food and Drug Administration's (FDA's) estimated cost of compliance for relabeling of sunscreens to comply with new labeling requirements.[2] This is the most similar Federal rulemaking we found in our research that involves a regulatory requirement on labels. Both the FDA's and this rulemaking involve changes to labeling. The FDA estimated that it would take 0.5 hour to prepare, complete, and review the labeling for each product. The Coast Guard used a higher value than FDA: 1 Hour per product to prepare, complete and review the new labeling. The higher value accounts for possible involvement of more than one type of machine (i.e., stitching or silk screen), more complex machinery for PFD labels and the need for management communication to multiple factories or stitching machine designers. The Coast Guard sought comment from PFD manufacturers regarding the costs associated with changing PFD labels in response to the proposed rule; however, no comments were provided by PFD manufacturers in response to the NPRM.

Labor costs for a PFD manufacturer are estimated at $78.74 per hour (fully loaded) for a manager based on a mean wage rate of $46.87; this estimate is based on Bureau of Labor Statistics data Occupational Employment Statistics, Occupational Employment and Wages, for Industrial Production Managers (11–3051, May 2012).[3] From there, we applied a load factor (or benefits multiplier) of 1.68, to determine the actual cost of employment to employers and industry.[4]

For other costs, States will need to review their laws and regulations to assure conformity with the change, as some have, based on comments received on the NPRM. In turn, some States may need to initiate rulemakings or make statutory changes to remove references to type codes; we discuss this further in

[2] *See* SPF Labeling and Testing Requirements and Drug Facts Labeling for Over-the-Counter Sunscreen Drug Products; Agency Information Collection Activities; Proposed Collection (76 FR 35678, June 17, 2011); and Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use Final rule (76 FR 35620, June 17, 2011).

[3] The reader may review the source data at *http://www.bls.gov/oes/2012/may/oessrci.htm.*

[4] This was calculated using data found on the Bureau of Labor Statistics' Web site. The load factor is calculated specifically for Production, transportation and material moving occupations, Full-time, Private Industry (Series ID: CMU2010000520610D, 2012, 2nd Quarter). This category was used as it was the closest available corresponding to the industry being analyzed in this regulatory analysis. Total cost of compensation per hour worked: $26.61, of which $15.84 is wages, resulting in a load factor of 1.6799 ($26.61/$15.84). We rounded this factor to 1.68. (Source: *http://data.bls.gov/cgi-bin/dsrv*) Using similar applicable industry groups and time periods results in the same estimate of load factor.

this section. The Coast Guard estimates that these agencies will take approximately 0.5 hour to review their laws and regulations. Their review task is estimated by the loaded wage rate of $73.43 per hour (from an unloaded hourly mean wage rate of $44.50 for a manager from Occupational Employment and Wages, May 2012, 11–1021 General and Operations Managers Local Government). The average cost for a State to perform this task would be approximately $36.71.

Some commenters to the NPRM suggested that there may be additional tasks required of States; commenters stated that training materials would need to be updated. One commenter believed that ''The vast majority of PFD users have no idea of one type of PFD from another . . . they don't know and they don't care. For those who do care they will be without guidance. Several years ago the USCG started to allow some traditional type V PFD to be called and used as type III. I have to decide now to issue citations to PFD users who think they are legal but in fact are not legal.'' The Coast Guard does not intend for State law enforcement officers (LEOs) to issue citations based on this final rule's changes. Existing PFDs may continue to be used. In response to the comment, the Coast Guard has added a cost to its estimate to reflect some labor that States may expend to communicate the change to law enforcement officials and to explain what will be expected of them as a result of the final rule. The Coast Guard estimates that the labor required for this task to be approximately 30 minutes (0.5 hour) to prepare an email and/or electronic bulletin board notice to LEOs. The Coast Guard anticipates that more than one layer of authority may be involved in disseminating this information and has estimated the task's duration accordingly. In addition, although the Coast Guard anticipates that most States do not have training manuals for LEOs which cover this topic, we acknowledge that there may be some States that have a training manual which may need to be updated to reflect the final rule's changes.[5] For this reason, although they are not included in the total cost of the final rule, we estimate the cost of updating a training manual. If a State were to update their training manual, we estimate that it may take a given State 1 hour of labor time. The Coast Guard acknowledges that States may choose not to update their training materials immediately since existing PFDs, with type codes on them, may still be used.

In addition, this final rule impacts some Federal agencies and they will need to review their regulations or policy documents to determine if any changes are needed. The Coast Guard estimates that it would take 0.5 hour to do this task. The Coast Guard estimates the labor cost to be $79.38 per hour for a Federal manager (Bureau of Labor Statistics, ''Occupational Employment and Wages, First-Line Supervisors of Transportation and Material-Moving Machine and Vehicle Operators, 53–1031 Federal Executive Branch and a load factor of 1.65)[6] and there are an estimated six Federal agencies potentially impacted. Based on these data, this task costs each affected Federal agency less than $50 to review regulations or policy documents. To update a policy document, we estimate that 10 hours would be expended by a Federal agency to do so. We also estimate that Federal governmental agencies may expend 30 minutes (0.5 hour) to communicate the change to Federal LEOs.

Additional costs may occur as a result of this rule; these costs arise from labor expended for rulemaking. More specifically, some State and Federal agencies may require a rulemaking to update their regulations to incorporate this proposed change into their regulations, policy documents or statutes.

To assess these costs, we first note the rulemaking process varies greatly across State and territorial governmental units. The reader should note that not all impacted governmental units are expected to incur a cost associated with this task because some States incorporate by reference Coast Guard standards and will not need to take action. Some agencies may be able to update their regulations for this change by incorporating this change into an existing or planned rulemaking. Some also may choose not to pursue a rulemaking immediately.

To estimate a cost for this step, we reviewed publicly available data on the Internet for States and territories. Based on that review, we estimated the number of States and territories which would fall into the various categories of rulemaking. In the first category, we estimate that there would be six States and territories which incorporate by reference Coast Guard regulations and, therefore, would incur no costs. Next, we estimate another 36 States and territories engage in rulemaking activities by State agencies. In the next category, an estimated 10 States and territories will update their regulations by more lengthy processes; either by statute change via a legislative vote, or by a rulemaking process involving the legislative branch of government or the State-level executive branch of government. The change may be a stand-alone proposed rule or legislation, or the change may be part of an omnibus set of changes. In the last category, we estimate that four States and territories would take no rulemaking action; for these, their regulations or statutes may not need revision because of how they are written. The table which follows presents a summary of this data.

TABLE 4—ESTIMATED RULEMAKING ACTIVITIES FOR STATES AND TERRITORIES

Level of activity	Number of States or territories	Level of effort required (hours)	Total cost
Incorporate by Reference	6	0	$0
State Policy Update by Legislature	36	10	26,435
State Policy Update by Commission	10	100	73,430
No change necessary	4	0	0
Total			99,865

[5] We estimate the number of States needing to update their training manuals would be fewer than 10.

[6] This load factor is calculated specifically for Public Administration, State and Local Government occupations, Full-time (Series ID: CMU3019200000000D,CMU3019200000000P, 2012, 2nd Quarter. Total cost of compensation per hour worked: $39.642, of which $23.97 is wages, resulting in a load factor of 1.653734 ($39.64/$23.97). We rounded this factor to 1.65 (rounded to the nearest hundredth). (Source: *http://www.bls.gov/ncs/ect/data.htm*)

We estimate that costs to a given State or territory for this step range from no cost to $7,343. Some costs may be offset because some States may have already started this process in anticipation of the new industry consensus standard for PFD labeling through the Panel.

During the public comment period, the Coast Guard received two comments on its cost estimates. One commenter wrote ''Florida is one of the ten states referenced where making appropriate changes in state law will require legislative action. Both the estimated number of hours and associated cost as provided . . . are considered to be reasonable estimates . . . the benefit of the intended outcomes outweigh the challenge of making changes to state law.'' Another commenter suggested that our estimate of 100 hours for a legislative change may be too low but acknowledged that ''it is difficult to define what would be an accurate number of hours'' due to extraneous factors, and further acknowledged that the commenter's State authorities may not take action immediately to implement the change since existing PFDs are still useable. The Coast Guard has not changed its estimates for the cost of legislative changes since no data are available to refine its estimates and some States may not act immediately. The commenter similarly noted that boater education manuals and Web site materials may need to be updated. The Coast Guard agrees that boater education material may need to be updated for some States and notes that some States may choose not to do so immediately since existing PFDs are still useable.

As noted earlier, the Coast Guard received a comment on the need of State (and Federal) governmental agencies to update training manuals on the subject. The Coast Guard agreed, but it is unknown if Federal agencies have training manuals for their LEOs which cover PFDs. In the case of any Federal agency which has a training manual which covers PFD types, we estimate that Federal governmental agencies may expend one hour to do so. We also estimate that Federal governmental agencies may expend 30 minutes (0.5 hour) to communicate the change to Federal LEOs. In addition to the costs noted in the previous paragraphs, the Coast Guard may experience some costs in subsequent years to augment existing boater education efforts to include information associated with this final rule. However, the Coast Guard may be able to use existing partnerships, Internet resources, and other technologies which offer more cost effective solutions.

Benefits

The final rule amends existing regulations regarding labeling of PFDs. The rulemaking promotes maritime safety by eliminating confusion associated with type codes, and by improving the understanding of PFD performance and use. The Coast Guard is pursuing this amendment to allow the Panel to develop new labeling standards that better prevent misuse, misunderstandings, and inappropriate selection of PFDs without compromising the existing level of safety.

The rulemaking improves the relevance of markings on PFDs. The Coast Guard believes that removing irrelevant information increases the likelihood that the user will read and understand the label, and thus select the proper PFD and be able to use it correctly. This also would provide benefits by reducing confusion among enforcement officers and the boating public over whether a particular PFD is approved and meets the relevant carriage requirements.

The rulemaking also allows for the harmonization of our regulations with other countries, and allows for the adoption of future industry consensus standards for label requirements. For recreational PFDs, which comprise about 97 percent of the U.S. PFD market, the approvals are based on industry consensus standards that contain marking requirements. By referring to those standards directly, the Coast Guard reduces regulatory redundancy and minimizes the risk of conflict between regulatory requirements and industry consensus standards.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard expects that this rule will not have a significant economic impact on small entities. As described in the ''Regulatory Planning and Review'' section, the Coast Guard expects this rule to result in costs to industry (approximately $78 per PFD manufacturer). An estimated 92.4 percent of the 66 PFD manufacturers are considered small by the Small Business Administration size standards. The compliance costs for this rulemaking amount to less than 1 percent of revenue for all small entities. Costs will be incurred in the first year of the final rule's enactment for PFD manufacturers. No additional costs for labor or equipment will be incurred in future years. No small governmental jurisdictions are impacted by the rulemaking.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offered to assist small entities in understanding this rule so that they could better evaluate its effects on them and participate in the rulemaking. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

D. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The final rule will not require a change to existing OMB-approved collection of information (1625–0035 Title 46 CFR Subchapter Q: Lifesaving, Electrical, Engineering and Navigation Equipment, Construction and Materials & Marine Sanitation Devices (33 CFR part 159)). The final rule will not require relabeling of PFDs, but instead will remove minor data elements from existing labeling requirements. Labeling of PFDs is an automated process, and the change in content will not result in any change in burden hours.

E. Federalism

A rule has implications for federalism under E.O. 13132 (''Federalism'') if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this final rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in the Executive Order. Our analysis follows.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered for inspected vessels in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations are within the field foreclosed from regulation by the States. (*See* the decision of the Supreme Court in the consolidated cases of *United States* v. *Locke* and *Intertanko* v. *Locke,* 529 U.S. 89, 120 S.Ct. 1135 (March 6, 2000).) In this final rule, the Coast Guard replaces unnecessary references to type codes in labeling and carriage requirements for Coast Guard-approved PFDs on inspected vessels and recreational vessels. With regard to these regulations promulgated under the authority of 46 U.S.C. 3306 concerning inspected vessels, they fall within fields foreclosed from regulation by State or local governments. Therefore, this final rule is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

With regard to regulations promulgated under 46 U.S.C. 4302 concerning recreational vessels, under 46 U.S.C. 4306, those Federal regulations that establish minimum safety standards for recreational vessels and their associated equipment, as well as regulations that establish procedures and tests required to measure conformance with those standards, preempt State law, unless the State law is identical to a Federal regulation or a State is specifically provided an exemption to those regulations, or permitted to regulate marine safety articles carried or used to address a hazardous condition or circumstance unique to that State. As an exemption has not been granted, and because the States may not issue regulations that differ from Coast Guard regulations within these categories for recreational vessels, this final rule is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

In the NPRM, we invited affected State and local governments and their representative national organizations to indicate their desire for participation and consultation in this rulemaking process by submitting comments on the proposed rule. We also noted we would document the extent of our consultation with State and local officials that submit comments, summarize the nature of concerns raised by State or local governments and our response, and state the extent to which the concerns of State and local officials have been met.

Our consultation with State and local governments and their representative national organizations who submitted comments has been reflected in our responses to those comments in the preamble of this final rule. In the Discussion of Comments and Changes section above, we summarized all comments received and provided our responses to those comments, which included comments from State or local governments.

We believe we have met the concerns expressed by State and local officials. Outside the preamble of this final rule, we did not respond separately in writing to submissions from State agencies.

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under E.O. 12630 (''Governmental Actions and Interference with Constitutionally Protected Property Rights'').

H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, (''Civil Justice Reform''), to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this rule under E.O. 13045 (''Protection of Children from Environmental Health Risks and Safety Risks''). This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Tribal Governments

This rule does not have Tribal implications under E.O. 13175 (''Consultation and Coordination with Indian Tribal Governments''), because it would not have a substantial direct effect on one or more Tribal governments, on the relationship between the Federal Government and Tribal governments, or on the distribution of power and responsibilities between the Federal Government and Tribal governments.

K. Energy Effects

We have analyzed this rule under E.O. 13211 (''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use''). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under E.O. 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969, 42 U.S.C. 4321–4370f, and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under section 2.B.2, figure 2–1, paragraph (34)(a) of the Instruction and under section 6(a) of the ''Appendix to National Environmental Policy Act: Coast Guard Procedures for Categorical Exclusions, Notice of Final Agency Policy'' (67 FR 48244, July 23, 2002). This rule involves regulations which are editorial and concern carriage requirements and vessel operation safety standards. An environmental analysis checklist and a

categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 175

Marine safety.

33 CFR Part 181

Labeling, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 160

Incorporation by reference, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 169

Fire prevention, Marine safety, Reporting and recordkeeping requirements, Schools, Vessels.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 175 and 181, and 46 CFR parts 160 and 169 as follows:

Title 33—Navigation and Navigable Waters

PART 175—EQUIPMENT REQUIREMENTS

■ 1. The authority citation for part 175 continues to read as follows:

Authority: 46 U.S.C. 4302; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 175.13 to read as follows:

§ 175.13 Definitions.

As used in this subpart:

Personal flotation device or *PFD* means a device that is approved by the Commandant under 46 CFR part 160.

Throwable PFD means a PFD that is intended to be thrown to a person in the water. A PFD marked as Type IV or Type V with Type IV performance is considered a throwable PFD. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

Wearable PFD means a PFD that is intended to be worn or otherwise attached to the body. A PFD marked as Type I, Type II, Type III, or Type V with Type (I, II or III) performance is considered a wearable PFD.

■ 3. Amend § 175.15 by revising the introductory text and paragraphs (a) and (b) to read as follows:

§ 175.15 Personal flotation devices required.

Except as provided in §§ 175.17 and 175.25:

(a) No person may use a recreational vessel unless—

(1) At least one wearable PFD is on board for each person;

(2) Each PFD is used in accordance with any requirements on the approval label; and

(3) Each PFD is used in accordance with any requirements in its owner's manual, if the approval label makes reference to such a manual.

(b) No person may use a recreational vessel 16 feet or more in length unless one throwable PFD is onboard in addition to the total number of wearable PFDs required in paragraph (a) of this section.

* * * * *

■ 4. Revise § 175.17 to read as follows:

§ 175.17 Exemptions.

(a) Canoes and kayaks 16 feet or more in length are exempted from the requirements for carriage of the additional throwable PFD required under § 175.15(b).

(b) Racing shells, rowing sculls, racing canoes, and racing kayaks are exempted from the requirements for carriage of any PFD required under § 175.15.

(c) Sailboards are exempted from the requirements for carriage of any PFD required under § 175.15.

(d) Vessels of the United States used by foreign competitors while practicing for or racing in competition are exempted from the carriage of any PFD required under § 175.15, provided the vessel carries one of the sponsoring foreign country's acceptable flotation devices for each foreign competitor onboard.

■ 5. Revise § 175.19 to read as follows:

§ 175.19 Stowage.

(a) No person may use a recreational boat unless each wearable PFD required by § 175.15 is readily accessible.

(b) No person may use a recreational boat unless each throwable PFD required by § 175.15 is immediately available.

■ 6. Amend § 175.21 by revising the introductory text to read as follows:

§ 175.21 Condition; size and fit; approval marking.

No person may use a recreational boat unless each PFD required by § 175.15 is—

* * * * *

PART 181—MANUFACTURER REQUIREMENTS

■ 7. The authority citation for part 181 continues to read as follows:

Authority: 46 U.S.C. 4302; Department of Homeland Security Delegation No. 0170.1 (92).

§ 181.702 [Amended]

■ 8. Amend § 181.702(a) and (b) by removing, wherever they appear, the words ''Type I, II, III, IV, or V''.

Title 46—Shipping

PART 160—LIFESAVING EQUIPMENT

■ 9. The authority citation for part 160 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703 and 4302; E.O. 12234; 45 FR 58801; 3 CFR, 1980 Comp., p. 277; and Department of Homeland Security Delegation No. 0170.1.

§ 160.001–1 [Amended]

■ 10. Amend § 160.001–1(a)(1) by removing the words ''(Type I personal flotation devices (PFDs))''.

§ 160.001–3 [Amended]

■ 11. Amend § 160.001–3(d) as follows:
■ a. Remove paragraph (d)(4); and
■ b. Redesignate paragraphs (d)(5), (6), (7), and (8) as paragraphs (d)(4), (5), (6), and (7), respectively.

§ 160.002–6 [Amended]

■ 12. Amend § 160.002–6(b) by removing the words ''Type I Personal Flotation Device.''.

§ 160.005–6 [Amended]

■ 13. Amend § 160.005–6(b) by removing the words ''Type I–Personal Flotation Device.''.

§ 160.047–6 [Amended]

■ 14. Amend § 160.047–6(a) by removing the words ''Type II Personal Flotation Device.''.

§ 160.052–8 [Amended]

■ 15. Amend § 160.052–8(a) by removing the words ''Type II-Personal flotation device.''.

§ 160.053–5 [Amended]

■ 16. Amend § 160.053–5(a) by removing the words ''Type V—Personal flotation device.''.

§ 160.055–8 [Amended]

■ 17. Amend § 160.055–8(b) by removing the words ''Type I or Type V Personal Flotation Device.''.

§ 160.060–8 [Amended]

■ 18. Amend § 160.060–8(a) by removing the words ''Type II Personal Flotation Device.''.

■ 19. Revise § 160.064–4 to read as follows:

§ 160.064–4 Marking.

(a) *Labels.* Each water safety buoyant device must be marked in accordance with the recognized laboratory's listing

and labeling requirements in accordance with § 160.064–3(a). At a minimum, all labels must include—

(1) Size information, as appropriate;

(2) The Coast Guard approval number;

(3) Manufacturer's contact information;

(4) Model name/number;

(5) Lot number, manufacturer date; and

(6) Any limitations or restrictions on approval or special instructions for use.

(b) *Durability of marking.* Marking must be of a type which will be durable and legible for the expected life of the device.

■ 20. Amend § 160.076–5 as follows:

■ a. Remove the parenthecial ''(I, II, or III)'' from the definition of ''Performance type'';

■ b. Remove the definition of ''PFD Approval Type''; and

■ c. Revise the definitions of ''Conditional approval'' to read as follows:

§ 160.076–5 Definitions.

* * * * *

Conditional approval means a PFD approval which has condition(s) with which the user must comply in order for the PFD to be counted toward meeting the carriage requirements for the vessel on which it is being used.

* * * * *

§ 160.076–7 [Removed and Reserved]

■ 21. Remove and reserve § 160.076–7.

■ 22. Amend § 160.076–9 as follows:

■ a. In paragraph (a), remove the words ''is categorized as a Type V PFD and''; and

■ b. Revise paragraph (b) to read as follows:

§ 160.076–9 Conditional approval.

* * * * *

(b) PFDs not meeting the performance specifications in UL 1180 (incorporated by reference, *see* § 160.076–11) may be conditionally approved when the Commandant determines that the performance or design characteristics of the PFD make such classification appropriate.

§ 160.076–13 [Amended]

■ 23. Amend § 160.076–13 as follows:

■ a. Remove paragraph (c)(3); and

■ b. Redesignate paragraphs (c)(4), (5), (6), (7), (8), and (9) as paragraphs (c)(3), (4), (5), (6), (7), and (8), respectively.

§ 160.076–23 [Amended]

■ 24. Amend § 160.076–23(a)(1) by removing the words ''applicable to the PFD performance type for which approval is sought''.

§ 160.076–25 [Amended]

■ 25. Amend § 160.076–25(b) by removing the words ''that are applicable to the PFD performance type for which approval is sought''.

■ 26. Revise § 160.076–39 to read as follows:

§ 160.076–39 Marking.

Each inflatable PFD must be marked as specified in UL 1180 (incorporated by reference, *see* § 160.076–11). At a minimum, all labels must include—

(a) Size information, as appropriate;

(b) The Coast Guard approval number;

(c) Manufacturer's contact information;

(d) Model name/number;

(e) Lot number, manufacturer date; and

(f) Any limitations or restrictions on approval or special instructions for use.

§ 160.077–31 [Amended]

■ 27. Amend § 160.077–31 as follows:

■ a. In paragraph (c), remove the words ''Type [II, III, or V, as applicable] PFD''; and

■ b. In paragraph (d), remove the words ''Type ['I'', ''V'', or ''V Work Vest Only'', as applicable] PFD''.

§ 160.176–23 [Amended]

■ 28. Amend § 160.176–23 as follows:

■ a. In paragraph (c), remove the words ''Type V PFD-'' and ''in lieu of (*see paragraph (f) of this section for exact text to be used here*)''; and

■ b. Remove paragraph (f).

PART 169—SAILING SCHOOL VESSELS

■ 29. The authority citation for part 169 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101; Pub. L. 103–206, 107 Stat. 2439; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; Department of Homeland Security Delegation No. 0170.1; § 169.117 also issued under the authority of 44 U.S.C. 3507.

■ 30. Amend § 169.539 as follows:

■ a. In the introductory text, remove the word ''either'';

■ b. In paragraph (a), remove the words ''A Type I approved'' and add, in their place, the word ''Approved'', and remove the second use of the word ''or'';

■ c. In paragraph (b), remove the words ''a Type V approved'' and add, in their place, the word ''Approved''; and

■ d. Revise paragraph (c) to read as follows:

§ 169.539 Type required.

* * * * *

(c) Approved under subparts 160.047, 160.052, or 160.060 of this chapter or approved under subpart 160.064 of this chapter if the vessel carries exposure suits or exposure PFDs, in accordance with § 169.551.

Dated: September 15, 2014.

J. G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2014–22373 Filed 9–19–14; 8:45 am]

BILLING CODE 9110–04–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1250

[FDMS No. NARA–14–0003; Agency No. NARA–2014–057]

RIN 3095–AB73

NARA Records Subject to FOIA

AGENCY: National Archives and Records Administration.

ACTION: Final rule.

SUMMARY: NARA has revised our regulations governing Freedom of Information Act (FOIA) access to NARA's archival holdings and NARA's own operational records. The revisions include clarification as to which records are subject to the FOIA, NARA's authority to grant access, and adjustments to our FOIA procedures to incorporate changes resulting from the OPEN FOIA Act of 2009, the OPEN Government Act of 2007, and the Electronic Freedom of Information Act Amendments of 1996 (E–FOIA). The rule affects individuals and organizations that file FOIA requests for access to NARA operational records and archival holdings.

DATES: This rule is effective October 22, 2014.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, by telephone at 301–837–3151, by email at *regulations_comments@nara.gov,* or by mail at Kimberly Keravuori, Regulations Program Manager; Strategy Division (SP), Suite 4100; National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001.

SUPPLEMENTARY INFORMATION: On August 4, 2013, NARA published a proposed rule in the **Federal Register** (78 FR 47245) for a 60-day comment period. This proposed rule clarified which records are subject to the FOIA and NARA's authority to grant access, and made adjustments to our FOIA procedures to incorporate changes resulting from the OPEN FOIA Act of 2009, the OPEN Government Act of 2007, and the Electronic Freedom of

Information Act Amendments of 1996 (EFOIA). The public comment period closed on October 4, 2013. We received four sets of comments on the proposed rule; three from individuals and one from the Center for Effective Government. We appreciate the thoughtfulness and detail reflected in the comments it received. We have reviewed all of the submitted comments, considered carefully the suggestions for revision, and made certain changes on the basis of these comments. The comments are also addressed in narrative form below. In the course of reviewing the proposed rule and addressing those comments, we also proposed to make additional substantive revisions beyond those addressed in the comments, to further clarify definitions and timing. Therefore, we published those new substantive revisions in the **Federal Register** (79 FR 35127) on June 19, 2014, for a second round of public comment. The comment period ended on July 21, 2014, and we received no new comments during this round. The revisions from both rounds, and the comments received, have been compiled and addressed together in this final regulation.

Presumption of Openness (§ 1250.2)

One comment suggested that NARA's presumption of openness must be backed by processes that are realistic and operable. We thank the commenter for this statement. We take it to heart and believe that NARA's core mission of providing access truly backs up the presumption of openness. However, we have re-titled and re-worded this provision to more directly reflect this.

Original Classification Authority (§ 1250.3)

A commenter had several questions regarding the definition of original classification authority, including whether contractors are included, who the designated subordinates are, and what occurs if the director of ISOO position is not filled. NARA's FOIA program follows the Executive order and the ISOO regulations at 32 CFR 2001 to define original classification authority. It is outside the scope of the FOIA program and FOIA regulations to define the term differently here, or to address any issues with that definition. We have added a reference to the ISOO regulations so that readers may understand where the definition comes from and seek any additional detail that may be contained there.

Mandatory Declassification Review (MDR) Versus FOIA (Originally § 1250.8(d); Now (§ 1250.10(d))

NARA's proposed regulations included the option for requesters to consider using the Mandatory Declassification Review (MDR) process instead of FOIA if they are requesting access to national security classified information. One comment suggested that NARA should add an explanation of why a requester might choose the MDR. Although the subject is too detailed to set out in this regulation, we added a reference to our FOIA Guide, which thoroughly explains the pros and cons of each process and the differences between the two.

Access to Executive Branch Records at the National Personnel Record Center (NPRC) (Originally § 1250.10(b); Now § 1250.8(b))

One commenter suggested that NARA should inform requesters where they can find information about the provisions under which the NPRC processes FOIA requests. We have added citations to the NPRC section of NARA's Web site where information on how we process requests can be found, and a citation to the Department of Defense's FOIA regulations for more information on its requirements. Another comment correctly pointed out that the proposed regulations at § 1250.10(b) (now (§ 1250.8(b)) erroneously referred to ''§ 1250.208'' of NARA's regulations. However, that section does not exist. We have corrected the reference, which was § 1250.20 in our submitted draft, but seems to have inadvertently been changed when posting online.

Available Records (§ 1250.12)

Four comments concerned § 1250.12, ''What types of records are available in NARA's FOIA library?'' The comments recommended that NARA add specific language to state that NARA would establish categories of records to disclose and post regularly, proactively identify and disclose additional records, release copies of records previously released under FOIA, regularly post logs describing the requests we have received and processed, and that NARA provide a subscription service (such as RSS or email) to notify individuals when new records are posted.

NARA's FOIA Library is for operational records. We have already established and disclose categories of records not only through the FOIA Library, but also through our other products. For example, we post records schedules for the Federal Government on our Web site and have published finding aids to our archival records in our Online Public Access (OPA) database, through which members of the public can also access some archival records. We believe more detailed language in the regulation would be confusing to researchers and requesters because NARA's archival holdings (as opposed to operational records) are open and available, but are not all available online. We also believe the categories set forth in § 1250.12(b) (with the additions below) are sufficient to cover the records we release specifically as FOIA Library items that are not already elsewhere on NARA's Web site. Based on the comments and suggestions, we have added language to §§ 1250.12(b)(4) and (6) to add categories of operational records that have been requested three or more times, that are likely to become the subject of subsequent FOIA requests, and NARA's FOIA logs. In addition, we added to the presumption of openness section (§ 1250.2) a new title and a stronger statement that we proactively identify and disclose additional records whenever possible. We are not able to provide a subscription service due to insufficient manpower and resources.

What To Include in FOIA Requests (§ 1250.20(c))

One commenter suggested that NARA revise this section to read ''Mark both your letter and envelope, *or the subject line of your email,* with the words 'FOIA Request.' '' (Emphasis in original.) We have made this revision.

Where To Submit (§ 1250.22)

Two comments were received about § 1250.22, ''Where do I send my FOIA request?'' One comment suggested that NARA revise the proposed language to emphasize promptly rerouting requests to appropriate agency offices, to read, ''Your request will be considered received when it reaches the proper office's FOIA staff, but in any event not later than ten days after the request is first received.'' The second comment suggested that NARA include a telephone number to call and ask for mailing addresses of NARA's FOIA customer service centers. We have made these revisions, although with slightly different language than that proposed. In addition, to make finding the correct contact information easier, we have restructured the information into a table.

How Requests Are Processed (§ 1250.26)

NARA received ten comments on § 1250.26, ''How will NARA process my

FOIA request?'' (now titled, ''How does NARA process my FOIA request?''). When addressing all of the comments related to § 1250.26, it became evident that there was a lot of confusion with regard to this section due to NARA's multi-track processing. So we have substantially reorganized and modified the section to address both the apparent overall concerns as well as the specific comments submitted. This included breaking down the original paragraph (a) into several paragraphs; re-ordering the original paragraphs with headings so the multi-track processing is clearer; and changing some of the wording to increase clarity.

One comment suggested that NARA adopt a policy to communicate with requesters by email where appropriate, and adjust the regulation accordingly. A second comment suggested revising the section to state, ''NARA will acknowledge all FOIA requests as soon as possible,'' and providing an automated acknowledgment when possible. We declined the recommendation that we respond by email *unless* a requester asks that we not do so. NARA receives many requests from individuals without regular email access, such as prisoners. We think it would be a burden on requesters to have to state that they do not want to correspond by email. However, we have added language to indicate that we will respond by email if a requester submits requests by email or indicates a preference for that form of communication. We also declined to revise the regulation to state we would process requests as soon as possible; instead, we retain the statutory period of 20 working days. Although we do respond as soon as possible, merely indicating ''as soon as possible'' would leave the end date open. Because of NARA's decentralized FOIA processing, it is not feasible for us to provide an automated acknowledgment of requests at this time.

Two comments suggested adding provisions to the section. One suggested adding, ''Within 10 days of receiving a request, NARA will reroute requests received by any NARA FOIA office to the appropriate NARA FOIA office for the records requested. NARA will notify the requester of the office to which it rerouted the request and provide contact information for that office. If NARA reroutes a request, the time period for processing the request begins when the appropriate FOIA office receives the request, or 10 days after any NARA FOIA office first received the request, whichever is earlier.'' The other suggested adding a description of NARA's multi-track processing system to distinguish between simple and complex tracks and to provide a requester with an opportunity to limit the scope of their request to qualify for faster processing.

In response to the first comment, we added similar language to the suggested language, but placed it in § 1250.22 instead of § 1250.26. Section 1250.22 addresses where to send FOIA requests, including the office that would forward any misrouted requests to other offices, so the recommended language was more appropriate there. We did not add suggested language to include notifying the requester of the office to which a request has been forwarded. We have tried implementing this workflow in the past. However, we found that this process impeded the ability to process the request in a timely fashion. We also revised the regulation at § 1250.26 to better describe our multi-track processing, including making substantial revisions to the organization and wording of the part. Two additional comments recommended adding to the section to address clarification and contact processes before denying requests. One suggested adding, ''If NARA has any uncertainty regarding an aspect of the request, NARA will attempt to communicate with the requester to clarify the scope of his or her FOIA request.'' The second comment proposed, ''Requests must reasonably describe the records sought. If NARA determines that a request does not reasonably describe the records sought, NARA will contact the requester to seek clarification. NARA may toll the time limits for processing in order to make one such request, in which case the time limits resume upon NARA's receipt of a response from the requester. NARA will provide at least 30 days for the requester to respond to a request for clarification. If the request has not been clarified after 30 days, NARA will deny the request for not reasonably describing the records sought and will provide the requester with the opportunity to appeal under the procedures in Subpart D.'' An additional comment also suggested that NARA should rigorously attempt to contact requesters through different methods of communication to confirm that any requests should be administratively closed prior to doing so.

We added the following language to address the first comment and the first part of the second comment, at § 1250.26(b): ''Requests must reasonably describe the records sought. If we determine that a request does not reasonably describe the records sought, or if we are uncertain about another aspect of the request, we contact you to ask for clarification.'' At § 1250.26(d), we added language about tolling and the time period in which a requester must respond to a clarification request. However, we provided the requester with 60 calendar days in which to respond instead of the recommended 30 calendar days. This has been NARA's practice and we believe the additional time helps to ensure that requesters have sufficient time to respond. This longer period is also in line with five other cabinet-level departments. NARA does rigorously attempt to contact requesters, using different methods when possible. We feel the 60 days provides more opportunity to contact requesters who don't initially respond. In addition, NARA's Office of Government Information Services (OGIS) has observed some issues with appeal timeliness at agencies that have 30-day appeal windows.

Another comment recommended that we revise the section to prevent the destruction of requested records by adding, ''NARA will maintain copies of records that are the subject of a pending request, appeal, or lawsuit under the FOIA. NARA will also preserve all correspondence pertaining to FOIA requests until disposition is authorized under the National Archives and Records Administration's General Records Schedule 14.'' We agree with this proposal and have included a new section, § 1250.14, to reflect this request.

One comment suggested that NARA revise a sentence in § 1250.26(b)(1) (now § 1250.26(g)(1)) to state that unusual circumstances include the need to ''search for and collect the records from field facilities, *other than the facility to which the requester originally sent the request.*'' (Emphasis in original) We declined to adopt this suggestion because it does not accurately reflect the situation in which collection from field facilities would occur. Instead, we revised the provision to apply unusual circumstances to requests involving one or more field facilities.

The last two comments involved suggestions regarding the Presidential Records Act, one suggesting that NARA include a citation to the implementing Executive order, and the other asking questions about the length of time for the Presidential notification period. We have chosen not to include the citation to the Executive order, or to state in the regulation the length of the notification period (which is currently 30 days). Because the Executive order can change with Presidential administrations, adding a citation (which may be incorrect in the next administration) or time period here would not provide additional clarity in the long term.

Instead, we let requesters know the current notification period in our acknowledgment letter. Requesters can also look up the appropriate notification period in the applicable Executive order at the time of their request.

Expedited Processing (§ 1250.28)

One comment suggested that NARA should revise the proposed regulations at the second sentence of § 1250.28(a) to state, ''We *will* grant expedited processing if a requester can show: . . . .'' (Emphasis in original) In response, we have changed the provision to read: ''NARA processes requests and appeals on an expedited basis whenever we determine that one or more of the following criteria exist: . . . .''

Responding to Requests (§ 1250.30)

Five comments recommended revisions to § 1250.30, ''How will NARA respond to my request?'' (now titled, ''How does NARA respond to my request?''). One suggested adding a statement that NARA will use plain language in its communications. Another suggested releasing records on a rolling basis if the request involves voluminous material or multiple locations. And the third comment suggested language that NARA would, whenever possible, include the quantity of withheld information, and the exemption involved, on any record in which information is deleted or redacted. The fourth comment suggested striking the word ''may'' from § 1250.30(b) to state that NARA denial letters will explain which exemptions apply. NARA adopted all of these suggestions. The last comment suggested that NARA include in the final rule a reference to the legal obligation to release segregable releasable portions of otherwise exempt records. NARA has done so in § 1250.30(c).

Copy Format (§ 1250.38)

One commenter suggested that NARA should explain why it proposes to delete § 1250.38 of the regulations. NARA did not intend to delete this section and has added it back in.

Fees and Fee Waivers (§§ 1250.50, 1250.52, 1250.54, 1250.56)

The nature of the comments received on Subpart C (fees) and other sections demonstrated confusion between archival and operational records, which is an issue unique to NARA in the FOIA realm. As a result, we have restructured this subpart to further emphasize the difference between archival and operational records. We also revised the table of contents to reflect this change. In addition, the definitions at §§ 1250.3(a) and (l) have been amended to further emphasize the difference between the two.

We have also made revisions based on specific comments. Four comments involved fees, addressing §§ 1250.50, 1250.52, and 1250.54. One comment suggested that NARA not charge any fees if the total costs for processing the request are $50 or less. We have considered the suggestion, but decline to raise the no-fee threshold to $50. We feel this is excessive, particularly in a time period in which Federal budgets are being cut and taxpayers are concerned about the use of their money. We feel it would be fiscally irresponsible to allow free copies to this extent. However, we agree that the previous $15 threshold is out of date, and have thus raised the limit to $25. This amount is also in line with requesters' authorized 100 free pages of copies. The second and third comments both suggested that NARA reduce its duplication fees to $0.10 per page. We also decline to adopt this suggestion. NARA self-serve copiers are all set to charge the standard $0.25 per copy, and the machines charge this rate for self-serve copies, whether the copies are part of a FOIA request or not. (See 36 CFR 1258.6 for information about how these rates are set.) NARA cannot alter that fee for FOIA self-serve copies. Because a person can make self-serve copies for $0.25, it is unreasonable to charge the same or less for copies when NARA staff makes the copies. As a result, NARA charges $0.05 for the convenience of having a staff member make copies instead, raising the cost to $0.30 when we make copies. The fourth comment suggested that NARA not charge a processing fee if it takes longer than the time limit in 5 U.S.C. 552(a)(6) to process that request. We revised the regulation to include this provision.

Three additional comments addressed fee waivers in § 1250.56. Two comments suggested that NARA revise the proposed language to state that, in addition to determining substantial public interest in release of the documents, it will determine if the request ''primarily'' furthers the requester's commercial interests before denying a fee waiver. The third comment suggested adding language to provide NARA with discretion to waive fees in additional circumstances. We revised these provisions as suggested.

Appeals (§ 1250.72)

Three comments were submitted on § 1250.72, ''How do I file an appeal.'' One comment suggested stating that all appeals must be received within 60 days of receipt of NARA's denial letter. We have agreed to make this change despite the fact that we have encountered no problems with people being able to meet the current 35-day time period for appeals. The second comment suggested adding, ''For appeals submitted via mail, you should mark both your letter and envelope with the words 'FOIA Appeal.' If possible, include the tracking number for your request or a copy of your initial request and NARA's denial.'' We have made this revision, except for the words ''if possible.'' If appellants do not submit a tracking number or copy of the original request, we will not be able to determine which request they are appealing. One or the other of these items must be included for identification. The final comment suggested that NARA change the appeal time from calendar days to working days because the appeal would not be able to be received if we were not working. We decline to make the change. This provision sets out the timeframe within which a requester must submit an appeal. If we are not working on the date it arrives, it will still be postmarked, or have an email or fax date recorded, and thus be deemed to have been submitted on time.

Appeal Processing (§ 1250.74)

One commenter stated that ''appropriate designated appeal official'' was not clear enough to determine which official is intended. We have modified the section to state: ''We respond to your appeal within 20 working days after the appeal official designated in 36 CFR 1250.72(a)(1)(i) and (ii) receives it.'' That section of the regulation includes a list of specific appeal officials.

An additional commenter stated that they do not believe it is legal under 5 CFR § 214.402(c)(1) for NARA's Deputy Archivist to be delegated the authority to make FOIA appellate adjudications under 36 CFR 1250.72(a)(1)(ii) and 36 CFR 1250.74(a)(1) when the Deputy Archivist ''most certainly has responsibility for or substantial involvement in the determination or public advocacy of major controversial FOIA polices of the NARA.'' Based on regulations and the Open Government Act of 2007, NARA's Chief FOIA Officer is responsible for the FOIA program and policies, not the Deputy Archivist. The Chief FOIA Officer for NARA is the General Counsel. Therefore, it is appropriate for the Deputy Archivist to handle appellate adjudications.

Special Situations and Confidential Commercial Information (Subpart E) (§§ 1250.80–1250.82)

Six comments were received regarding Subpart E—Special Situations. One suggested re-titling the subpart ''Confidential Commercial Information'' because the sections all involve such information. We have changed the title as suggested. One comment suggested revising the proposed language in § 1250.80 to require submitters to proactively designate claimed confidential business information within 30 days, that such designations are not binding on NARA, and that blanket designations by page will not be considered a good faith effort. We have made revisions to the provisions to address these concerns and additional comments about the clarity of the language. It now reads: ''At the time of submission, a submitter of business information is expected to designate, by appropriate markings, any portions of its submission that it considers to be protected from disclosure under FOIA Exemption 4. Although these portions may be designated, this does not preclude NARA from conducting a full FOIA review of such documents if we receive a FOIA request for those records. These designations will expire 10 years after the date of the submission unless the submitter requests, and provides justification for, a longer designation period, or NARA extends the designation period at its discretion.'' A second comment suggested revising § 1250.82 to require substantiation for claims of confidential business information in the form of a detailed written statement specifying grounds for withholding and showing why that information should not be released. We have added language to require justification but have declined to use the detailed language suggested. We believe the review process described in § 1250.82(a) (now split into subparagraphs (a) and (b) for clarity) addresses these portions of the comment and that § 1250.82(e) already indicates that submitters must justify objections, by stating that they must submit the basis for the objection. However, we have added additional language: ''We provide the submitter with 20 working days from the date of NARA's notice to object to the release and to explain a basis for the objection, including justification and support for the claim.''

Another comment asked if NARA would let requesters know when a longer designation period would expire. NARA will not do this because we do not track these expiration dates. These dates are assessed at the time a request for the records is made, based on the original submission date or extension date. The commenter also stated that the language ''a reasonable time thereafter'' was too vague. We have removed this language. And this commenter asked if the NARA FOIA Officer is a filled and funded position. Although this question is outside the scope of this regulation, NARA's FOIA officer is a filled and funded position.

The final comment suggested adding a new section, § 1250.83, to streamline notice of requests to submitters, to read, ''NARA will not notify a submitter under *§ 1250.82* (emphasis in original) if it determines that:

(a) The information must be withheld under FOIA's exemptions;

(b) The information lawfully has been published or made available to the public;

(c) Disclosure of the information is required by statute (other than FOIA) or by a regulation issued in accordance with the requirements of Executive Order 12600; or

(d) The designation made by the submitter appears obviously frivolous—except that, in such a case, the agency will, no fewer than five working days prior to a specified disclosure date, give the submitter written notice of any final decision to disclose the information.''

We have revised the regulation essentially as suggested with respect to paragraphs (a), (b), and (c), but placed it under § 1250.82(a) instead. However, we have not accepted the proposed paragraph (d) because it would still require notification to the submitter.

Regulatory Review Information

This rule is not a significant regulatory action for the purposes of E.O. 12866 and has been reviewed by the Office of Management and Budget (OMB). It is also not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking. As required by the Regulatory Flexibility Act, we certify that this rule will not have a significant impact on a substantial number of small entities. It makes only clarifications to the already-existing processes by which individuals or entities request access to NARA records, and updates them to reflect changes in Federal requirements to make access easier.

List of Subjects in 36 CFR Part 1250

Administrative practice and procedure, Archives and records, Confidential business information, Freedom of information, Information, Records, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the National Archives and Records Administration revises part 1250 to read as follows:

PART 1250—NARA RECORDS SUBJECT TO FOIA

Subpart A—General Information About Freedom of Information Act (FOIA) Requests

Subpart B—How To Request Records Under FOIA

Subpart C—Fees

Subpart D—Appeals

Subpart E—Confidential Commercial Information

Authority: 44 U.S.C. 2104(a) and 2204(3)(c)(1); 5 U.S.C. 552; E.O. 13526; E.O. 12600; 52 FR 23781; 3 CFR, 1987 Comp., p. 235.

Subpart A—General Information About Freedom of Information Act (FOIA) Requests

§ 1250.1 Scope of this part.

This part implements the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, for NARA operational records and archival records that are subject to FOIA. This part contains the rules that we follow to process FOIA requests, such as the amount of time we have to make a determination regarding the release of records and what fees we may charge. Other NARA regulations in 36 CFR parts 1254 through 1275 provide detailed guidance for conducting research at NARA.

§ 1250.2 Presumption of Openness and Proactive Disclosures.

NARA, consistent with its core mission, has always been committed to providing public access to as many of our records as possible. We therefore continue to affirmatively release and post records, or descriptions of such records, on our Web site at *www.archives.gov* in the absence of any FOIA request. We proactively identify and make discretionary disclosures of additional records of interest to the public whenever possible.

§ 1250.3 Definitions.

The following definitions apply to this part:

(a) *Archival records* means permanently valuable records of the United States Government that have been transferred to the legal custody of the Archivist of the United States. These are historical documents and do not include NARA operational records as defined in paragraph (l) of this section.

(b) *Commercial use request* means a request that asks for information for a use or purpose that furthers a commercial, trade, or profit interest of the requester or the person or entity on whose behalf the request is made.

(c) *Confidential commercial information* means records provided by a submitter that may contain trade secrets or confidential business or financial information that is exempt from release under the FOIA because disclosure could reasonably be expected to cause the submitter substantial competitive harm.

(d) *Educational institution request* means a request made by a school, university, or other educational institution that operates a program of scholarly research. To qualify for this category, a requester must show that the request is authorized by, and is made under the auspices of, a qualifying institution and that the records are sought to further scholarly research, not for a commercial use.

(e) *Expedited processing* means the process set forth in the FOIA that allows requesters to ask for faster processing of their FOIA request if they can demonstrate a specific compelling need.

(f) *Fee category* means one of the four categories set forth in the FOIA to determine whether a requester will be charged fees for search, review, and duplication. The categories are: Commercial requesters; non-commercial scientific or educational institutions; news media requesters; and all other requesters.

(g) *Fee waiver* means the waiver or reduction of fees if a requester is able to demonstrate that certain standards set forth in the FOIA are satisfied, including that the information is in the public interest and is not requested for a commercial interest.

(h) *FOIA Public Liaison* means an agency official who is responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

(i) *FOIA request* means a written request, that cites the Freedom of Information Act, for access to NARA operational records, records of the executive branch of the Federal Government held by NARA, or Presidential or Vice Presidential records in NARA's custody that were created after January 19, 1981.

(j) *Freedom of Information Act (FOIA)* means the law codified at 5 U.S.C. 552 that provides the public with the right to request Government records from Federal executive branch agencies.

(k) *Non-commercial scientific institution request* means a request submitted by an institution that is not operated on a basis that furthers the commercial, trade, or profit interests of any person or organization, and which is operated solely for the purpose of conducting scientific research.

(l) *Operational records* means records that NARA creates or receives in carrying out our mission and responsibilities as an executive branch agency. This does not include archival records as defined in paragraph (a) of this section.

(m) *Original Classification Authority* means the authority to classify information as National Security Information at creation, as granted by the President of the United States in Executive Order 13526, section 1.3, and defined in 32 CFR part 2001.

(n) *Other request* means a request submitted by any individual whose request does not qualify as a commercial-use request, representative of the news media request (including a request made by a freelance journalist), or an educational or non-commercial scientific institution request.

(o) *Presidential records* means the official Presidential and Vice Presidential records created or received by the President, the Vice President, or the White House staff since January 20, 1981, and covered under the Presidential Records Act, 44 U.S.C. 2201–2207. Presidential Executive orders also apply to these records.

(p) *Presidential Records Act* (PRA) means the law that, in part, governs access to Presidential and Vice Presidential records and is codified at 44 U.S.C. 2201–2207 and Part 1270 of these regulations. The PRA contains six restrictions that authorize NARA to withhold information, which apply for 12 years after a President leaves office. Four of the PRA restrictions are identical to FOIA Exemptions 1, 3, 4, and 6. Two relate to appointments to Federal office and confidential communications requesting or submitting advice between the President and his advisers, or between and among such advisers. The PRA also excludes application of FOIA Exemption 5.

(q) *Representative of the news media* means a person or entity that is organized and operated to publish or broadcast news to the public, and that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast news to the public at large and publishers of periodicals, including print and online publications that disseminate news and make their products available through a variety of means to the general public. We consider requests for records that support the news-dissemination function of the requester to be a non-commercial use. We consider ''freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity as working for that entity. A publishing contract provides the clearest evidence that a journalist expects publication; however,

we also consider a requester's past publication record. We decide whether to grant a requester media status on a case-by-case basis, based on the requester's intended use.

(r) *Review* means examining documents responsive to a request to determine whether any portions of them are exempt from disclosure. Review time includes processing any record for disclosure (i.e., doing all that is necessary to prepare the record for disclosure), including redacting the record and marking the appropriate FOIA exemptions.

(s) *Search* means the process of looking for and retrieving records or information responsive to a request. It also includes reasonable efforts to locate and retrieve information from records maintained in electronic form or format.

(t) *Submitter* means any person or entity providing potentially confidential commercial information to an agency, which information may be subject to a FOIA request. The term submitter includes, but is not limited to, individuals, corporations, state governments, and foreign governments.

§ 1250.4 Who can file a FOIA request?

Any individual, partnership, corporation, association, or public or private organization other than a Federal agency, regardless of nationality, may file a FOIA request with NARA. The Administrative Procedure Act, 5 U.S.C. 551(2), excludes Federal agencies from filing FOIA requests. However, state and local governments may file FOIA requests.

§ 1250.6 Does the FOIA apply to all of the records at NARA?

No, the FOIA applies only to the records of the executive branch of the Federal Government and certain Presidential and Vice Presidential records:

If you want access to . . .	Then access is governed by . . .
(a) Records of executive branch agencies	This CFR part and parts 1254 through 1260 of this chapter. FOIA applies to these records.
(b) Records of the Federal courts and judicial branch agencies.	Parts 1254 through 1260 of this chapter. FOIA does not apply to these records.
(c) Records of Congress and legislative branch agencies	Parts 1254 through 1260 of this chapter. FOIA does not apply to these records.
(d) Presidential records (created by Presidents and Vice Presidents holding office since 1981).	This part and parts 1254 through 1270 of this chapter. FOIA applies to these records five years after the President and Vice President leave office.
(e) Documents created by Presidents holding office before 1981 and housed in a NARA Presidential library.	The deed of gift under which they were given to NARA. These documents are not agency records and FOIA does not apply to these materials.
(f) Nixon Presidential materials	Part 1275 of this chapter. FOIA does not apply to these materials.

§ 1250.8 Does NARA provide access under FOIA to all the executive branch records housed at NARA facilities?

(a) NARA provides access under FOIA to the records NARA creates (*operational* records) and records originating in the executive branch that have been transferred to the legal custody of the Archivist of the United States (*archival* records).

(b) NARA's National Personnel Records Center (NPRC), located in St. Louis, Missouri, is the repository for twentieth-century personnel and medical records of former members of the military and personnel records of former civilian employees of the Federal Government.

(1) Those official personnel and medical files that have been transferred to NARA's legal custody, which occurs 62 years after the date of an employee's or veteran's separation from Federal service, are processed by NARA according to this part, at §§ 1250.20 through 1250.32.

(2) Those personnel and medical records that remain in the legal custody of the agencies that created them are governed by the FOIA and other access regulations of the originating agencies, which the NPRC processes under authority delegated by the originating agencies, not under the provisions of this part. Because of the intricacies of other agencies' FOIA regulations, further explanation here is not feasible. More information about the NPRC processes, including access to NPRC records, is available on NARA's Web site at *http://www.archives.gov/st-louis/military-personnel/* and at *http://www.archives.gov/st-louis/civilian-personnel.*

(c) NARA's Federal records centers store records that agencies no longer need for day-to-day business. These records remain in the legal custody of the agencies that created them. Requests for access to another agency's records in a NARA Federal records center should be made directly to the originating agency. We do not process FOIA requests for these records.

(d) If your FOIA request includes a record in the legal custody of an originating agency, we forward that request to the originating agency for processing. We also provide you with notification that we have done so and with contact information for the originating agency. (See 36 CFR 1256.2 for more information about how to access records that are stored in Federal records centers.)

§ 1250.10 Do I need to use FOIA to gain access to records at NARA?

(a) Most *archival* records held by NARA have no restrictions to access and are available to the public for research without filing a FOIA request. You may either visit a NARA facility as a researcher to view and copy records or you may write to request copies of specific records. (See subpart B of 36 CFR part 1256 for more information about how to access archival records).

(b) If you are seeking access to *archival* records that are not yet available to the public, you need to file a FOIA request. (See 36 CFR 1256.22 for information on how to request access to restricted archival records. See paragraph (d) of this section, and part 1260, for additional procedures on access to classified records.)

(c) You must also file a FOIA request when you request access to NARA *operational* records (records NARA creates) that are not already available to the public.

(d) If you are requesting records that you know are classified to protect national security interests, you may wish to use the Mandatory Declassification Review process, which is set forth at 36 CFR 1260.70. (Please see NARA's FOIA Guide, available online at *http://www.archives.gov/foia/foia-guide.html,* for the differences between the FOIA and Mandatory Declassification Review access processes.)

§ 1250.12 What types of records are available in NARA's FOIA library?

(a) We make available certain materials (listed in the FOIA) for public inspection and copying in both our physical FOIA Library as well as on NARA's Web site, available at *http://www.archives.gov/foia/electronic-reading-room.html.*

(b) The materials provided through NARA's FOIA Library include:

(1) Final NARA orders;

(2) Written statements of NARA policy which are not published in the **Federal Register**;

(3) Operational staff manuals and instructions to staff that affect members of the public;

(4) At our discretion, copies of operational records requested three or more times under FOIA and other records that have been, or are likely to become, the subject of subsequent FOIA requests for substantially the same records;

(5) An index, updated quarterly, to these materials; and

(6) FOIA logs including opening and closing date, requester's and organization's name, description of the records, and final disposition.

(c) You may inspect and copy these materials during normal working hours at the NARA facility where the records are located. See 36 CFR part 1253 and NARA's Web site at *http://www.archives.gov/* for locations and research room procedures.

(d) You may also access much of these materials on the NARA Web site. Any of these materials created after October 31, 1996, are on NARA's Web site at *http://www.archives.gov/foia/electronic-reading-room.html.*

(e) For a paper copy of the index to these online materials, write to: NARA FOIA Officer (NGC); Room 3110; National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001.

§ 1250.14 Preservation of FOIA-related records.

Each NARA component preserves all correspondence pertaining to the requests that it receives under this part, as well as copies of all requested records, until Title 44 of the United States Code or NARA's General Records Schedule 14 authorizes disposition or destruction. Records will not be disposed of while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

Subpart B—How To Request Records Under FOIA

§ 1250.20 What do I include in my FOIA request?

In your FOIA request:

(a) Describe the records you seek in sufficient detail to enable NARA staff to locate them with a reasonable amount of effort. The more information you provide, the better possibility NARA has of finding the records you are seeking. Information that will help NARA find the records includes:

(1) The agencies, offices, or individuals involved;

(2) The approximate date(s) when the records were created;

(3) The subject, title, or description of the records sought; and

(4) Author, recipient, case number, file designation, or reference number.

(b) Include your name and full mailing address as well as phone number and email address. This information allows us to reach you faster if we have any questions about your request. It is your responsibility to keep your current mailing address up to date with the office where you have filed the FOIA request.

(c) If you request records about yourself, you must do so in accordance with the Privacy Act and our implementing regulations at 36 CFR part 1202. This includes requirements to verify your identity (see 36 CFR 1202.40). If you request records about someone other than yourself, you may receive greater access if you submit either a notarized document signed by the other person that certifies their identity and gives their permission for you to have access, or proof that the other person is deceased (e.g., a copy of a death certificate or an obituary). NARA may, at its discretion, require you to supply additional information if necessary to verify that a particular individual has consented to disclosure of records about them.

(d) Mark both your letter and envelope, or the subject line of your email, with the words ''FOIA Request.''

(e) Before filing your request, you may find it helpful to consult NARA's ''Freedom of Information Act Reference Guide''—which is available electronically at *http://www.archives.gov/foia/foia-guide.html,* and in paper form. For a paper copy of NARA's FOIA Guide, write to: NARA FOIA Officer (NGC); Room 3110; National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001. For additional information about the FOIA, you may refer directly to the statute at 5 U.S.C. 552 or visit *http://www.foia.gov.*

§ 1250.22 Where do I send my FOIA request?

(a) NARA has several FOIA Customer Service Centers that process FOIA requests. You should send your FOIA request to the appropriate FOIA Customer Service Center that you believe would have the records you seek:

For:	Mail/submit request to or call:
(1) Archival records located in the Washington, DC, area . . .	Chief, Special Access and FOIA Staff (RD–F), Room 5500, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001 OR by e-mail to *Specialaccess_foia@nara.gov.*
(2) Archival records maintained in other parts of the country . . .	. . . the director of the facility in which the records are located. You can find locations and contact information for NARA facilities at *http://www.archives.gov/locations/* or 36 CFR 1253.5.
(3) Presidential records subject to FOIA	. . . the director of the Presidential library in which the records are located. You can find locations and contact information for NARA's Presidential libraries at *http://www.archives.gov/locations/* or 36 CFR 1253.3.
(4) Operational records of any NARA unit except the Office of the Inspector General . . .	NARA FOIA Officer (NGC), Room 3110, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001 OR by email to *FOIA@nara.gov* OR online at *https://foiaonline.regulations.gov.*
(5) Operational records of the Office of the Inspector General . . .	Office of the Inspector General (OIG), FOIA Request, Room 1300, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.
(6) Any other records, or if you are unable to determine where to send your request or if you do not have access to the internet for a list of NARA's FOIA (7) Public Liaisons and Customer Service Centers . . .	NARA FOIA Officer (NGC), Room 3110, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001 OR call (301) 837–FOIA (3642) ** Within 10 working days of receiving a request, this office will forward your request to the office(s) that is likely to have the records you are seeking.

(b) NARA officially receives your request when it reaches the proper office's FOIA staff, but no later than 10 working days after the request first arrives at one of the offices in the table above. Receipt by the appropriate office initiates the time period for responding to your request (see 36 CFR 1250.26).

(c) If you have questions concerning the processing of your FOIA request, you may contact the designated FOIA Customer Service Center for the facility processing your request. If that initial contact does not resolve your concerns, you may wish to contact the designated FOIA Public Liaison for the facility processing your request. You can find a list of NARA's FOIA Customer Service Centers and Public Liaisons at *http://www.archives.gov/foia/contacts.html.*

§ 1250.24 Does NARA accept electronic FOIA requests?

Yes. You may submit and track requests for NARA *operational* records through the *FOIAonline* program, accessible at *https://foiaonline.regulations.gov,* or by sending an email to *FOIA@nara.gov.* The body of the message must contain all of the information listed in 36 CFR 1250.20. You may also file a FOIA request by emailing your request to the offices listed in the table at 36 CFR 1250.22.

§ 1250.26 How does NARA process my FOIA request?

(a) *Acknowledgement.* NARA acknowledges all FOIA requests in writing within 20 working days after receipt by the appropriate office (see 36 CFR 1250.22). The acknowledgement letter or email informs you of your request tracking number, and any complexity in processing that may lengthen the time NARA requires to reach a final decision on the release of the records. The acknowledgement letter or email may also seek additional information to clarify your request or to ask you to narrow the scope of a very large or broad request.

(b) *Clarification of requests.* Requests must reasonably describe the records sought. If we determine that a request does not reasonably describe the records sought, or if we are uncertain about another aspect of the request, we contact you to ask for clarification.

(c) *Search cut-off date.* As the end or cut-off date for a records search, NARA uses the date on which we first begin our search for documents responsive to your request, unless you specify an earlier cut-off date. This includes those cases when you request records ''through the present,'' ''through today,'' or similar language. If NARA uses any other search end date, we inform you of that date.

(d) *Stops in processing time, clarification requests, and administrative closure.* NARA may stop the clock for processing a request one time in order to seek your clarification. In such a case, the processing time resumes upon our receipt of your response. We provide at least 60 calendar days for you to respond to a request for clarification. If you do not clarify the request within 60 calendar days, we deny the request for not reasonably describing the records sought and provide you with the opportunity to appeal under the procedures in Subpart D. Should you not answer any correspondence, or should the correspondence be returned as undeliverable, NARA reserves the right to administratively close the FOIA request 60 calendar days after the date of the last correspondence we send.

(e) *Confidential commercial information.* If you have requested records containing confidential commercial information, refer to 36 CFR 1250.82 for information on how we process that request.

(f) *Processing queues.* NARA places FOIA requests in simple or complex processing queues to be processed in the order received, on a first-in, first-out basis. In most cases, we make a determination about release of the records you requested within 20 working days from when the appropriate office receives your request (simple queue processing). However, if complexity or unusual circumstances prevent NARA from making a decision within 20 working days, we place your request into a complex processing queue. This way, such cases do not hold up the processing of other requests that do not include such time-consuming factors. We notify you of complicating factors in our acknowledgement letter or email, and you may choose to limit the scope of your request to convert the complex processing queue request to a simple processing queue request. For more detailed information on NARA's multi-track processing queues, see our FOIA Guide at *http://www.archives.gov/foia-guide.html* (for a paper copy, see 36 CFR 1250.20(d)).

(g) *Complex processing queue factors.* We place into a complex processing queue any request that cannot be completed within 20 working days due to complexity, volume, because it contains national security information, because it involves Presidential or Vice Presidential records, or involves unusual circumstances. Unusual circumstances include the need to:

(1) Search for and collect the records from one or more field facilities;

(2) Search for, collect, and review a voluminous amount of records that are part of a single request;

(3) Consult with another Federal agency before releasing records; or

(4) Refer records to another Federal agency for declassification.

(h) *Complex processing schedule.* If NARA needs to extend the deadline for more than an additional 10 working days due to the complexity of a request or as a result of unusual circumstances, we ask if you wish to modify your request so that we can answer the request sooner. If you do not wish to modify your request, we work with you to arrange an alternative schedule for review and release.

(i) *Complex processing: National security declassification and release.* NARA does not have the authority to declassify and release records containing national security information without the approval of the agencies that have Original Classification Authority for the information contained in the records. We send copies of the documents to the appropriate originating Federal agencies for declassification review. We also send you an initial response to your FOIA request within 20 working days, informing you of this consultation with, or referral to, another Federal agency, except to the extent that the association with the other agency may itself be classified. Upon your request, we provide you an estimated date of completion.

(j) *Complex processing: Presidential or Vice Presidential records.* If you request Presidential or Vice Presidential records and we determine that the records are not subject to any applicable FOIA or Presidential Records Act (PRA) exemption (and can therefore be released), we must notify the current and former President(s) or Vice President(s) of our intention to disclose information from those records. After receiving the notice, the current and former President(s) and Vice President(s) have a period of time (as set out in the applicable Executive order on implementation of the PRA) in which to choose whether to invoke Executive Privilege to deny access to the requested information. Although we send you an initial status response to your FOIA request within 20 working days in these cases, the final response to your FOIA request will take longer. We can provide the final response only at the end of the Presidential notification period set forth in the Executive order.

§ 1250.27 How does NARA determine estimated completion dates for FOIA requests?

(a) When you ask for an estimated completion date for records that do not require consultation with another agency, we estimate the completion date on the basis of our reasonable judgment at that point as to how long it will take to complete the request. Given the uncertainty inherent in establishing any estimate, the estimated completion date may be subject to change at any time.

(b) When you ask for an estimated completion date for records that must be reviewed by another agency, our estimate is also based on information from the other agency:

(1) When we send documents for consultation to another agency, we ask the agency to provide an estimated completion date for its portion of the processing.

(2) We keep the consulting agency's estimated completion date for its portion of the processing in the request file and use it in addition to our own processing time estimate to provide you with an overall estimated completion date.

(3) If the consulted agency or agencies do not provide us with an estimated completion date, we provide you with an estimate based on our general experience working with the agency or agencies and the types and volumes of records at issue.

§ 1250.28 How do I request expedited processing?

(a) NARA processes requests and appeals on an expedited basis whenever we determine that one or more of the following criteria exist:

(1) A reasonable expectation of an imminent threat to an individual's life or physical safety;

(2) A reasonable expectation of an imminent loss of a substantial due process right;

(3) An urgent need to inform the public about an actual or alleged Federal Government activity (this criterion applies only to those requests made by a person primarily engaged in disseminating information to the public); or

(4) A matter of widespread and exceptional media interest in which there exist possible questions that affect public confidence in the Government's integrity.

(b) NARA can expedite requests, or segments of requests, only for records over which we have control. If NARA must refer a request to another agency, we will inform you and suggest that you seek expedited review from that agency. NARA cannot expedite the review of classified records nor can we shorten the Presidential notification period described in 36 CFR 1250.26(j).

(c) To request expedited processing, you must submit a statement, certified to be true and correct, explaining the basis for your need for expedited processing. You must send the request to the appropriate official at the address listed in § 1250.22 of this subpart. You may request expedited processing when you first request records or at any time during NARA's processing of your request or appeal.

(d) We will respond to your request for expedited processing within 10 calendar days of our receipt of your request to expedite. If we grant your request, the NARA office responsible for the review of the requested records will process your request as a priority, and it will be processed as soon as practicable. We will inform you if we deny your request for expedited processing. If you decide to appeal that denial, we will expedite our review of your appeal.

§ 1250.30 How does NARA respond to my request?

(a) NARA sends you a response informing you of our release determination, including whether any responsive records were located, how much responsive material was located, whether the records have been released in full or withheld in full or in part, where you may review the records, and any fees you must pay for the request. We will use plain language in all written communications with requesters.

(b) If we deny any part of your request, our response will explain the reasons for the denial, which FOIA exemptions apply to withhold records, and your right to appeal that determination.

(c) NARA may withhold records in full or in part if any of the nine FOIA exemptions apply. NARA withholds information only where disclosure is prohibited by law (such as information that remains classified, or information that is specifically exempt by statute) or where we reasonably foresee that disclosure would cause harm to an interest protected by one of the FOIA exemptions. If we must withhold part of a record, we provide access to the rest of the information in the record. On the released portion of the record, we indicate the amount of information we redacted and the exemption(s) we applied, unless including that indication would harm an interest the exemption protects. NARA may also determine that a request does not reasonably describe the records sought; the information requested is not a record subject to FOIA; the requested record does not exist, cannot be located, or has been destroyed; or the requested record is not readily reproducible in the form or format you sought. Information that may be exempt from disclosure under the FOIA is:

Section of the FOIA:	Reason for exemption:
5 U.S.C. 552(b)(1)	''(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order.''
5 U.S.C. 552(b)(2)	''related solely to the internal personnel rules and practices of an agency.''
5 U.S.C. 552(b)(3)	''specifically exempted from disclosure by statute (other than § 552(b) of this title), provided that the statute: (A) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (B) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;''
5 U.S.C. 552(b)(4)	''trade secrets and commercial or financial information obtained from a person that are privileged or confidential;''
5 U.S.C. 552(b)(5)	''inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;''
5 U.S.C. 552(b)(6)	''personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;''

Section of the FOIA:	Reason for exemption:
5 U.S.C. 552(b)(7)	''records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information: (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger the life or physical safety of any individual;''
5 U.S.C. 552(b)(8)	''contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;'' or
5 U.S.C. 552(b)(9)	''geological and geophysical information and data, including maps, concerning wells.''

(d) If a request involves a voluminous amount of material or searches in multiple locations, we provide you with interim responses, releasing the records on a rolling basis.

(e) NARA may not withhold Presidential records subject to FOIA under 5 U.S.C. 552(b)(5) as defined in the table in paragraph (c) of this section. However, NARA may withhold Presidential records under the remaining FOIA exemptions. In addition, Presidential records may be withheld under the six PRA restrictions for a period of 12 years from when a President leaves office, in accordance with 44 U.S.C. 2204 and 36 CFR part 1270. Representatives of the current and former Presidents may also review Presidential records, and may assert constitutionally-based privileges that would prevent NARA from releasing some or all or the information requested.

§ 1250.32 How may I request assistance with the FOIA process?

(a) For assistance at any point in the FOIA process, you may contact the NARA FOIA Public Liaison. That individual is responsible for assisting you to reduce delays, increase transparency and understanding of the status of requests, and resolve any FOIA disputes. You can find a list of our FOIA Customer Service Centers and Public Liaisons at *http://www.archives.gov/foia/contacts.html.*

(b) The Office of Government Information Services (OGIS), part of NARA, serves as the Federal FOIA Ombudsman and assists requesters and agencies to prevent and resolve FOIA disputes. OGIS also reviews agencies' FOIA policies, procedures, and compliance. You may contact OGIS using the information provided below in 36 CFR 1250.74(c).

§ 1250.38 In what format does NARA provide copies?

After all applicable fees are paid, we provide you copies of records in the format you request if the records already exist in that format, or if they are readily reproducible in the format you request.

Subpart C—Fees

§ 1250.50 General information on fees for all FOIA requests.

(a) If you have failed to pay FOIA fees in the past, we will require you to pay your past-due bill and we may also require that you pay the anticipated fee before we begin processing your current request. If we estimate that your fees may be greater than $250, we may also require advance payment or a deposit before we begin processing your request. If you fail to make an advance payment within 60 calendar days after the date of NARA's fee letter, we will close the request.

(b) If we determine that you (acting either alone or with other requesters) are breaking down a single request into a series of requests in order to avoid or reduce fees, we may aggregate all of these requests when calculating the fees. In aggregating requests, we may consider the subject matter of the requests and whether the requests were filed close in time to one another.

(c) If, in the course of negotiating fees, you do not respond to a NARA component within 60 calendar days, we reserve the right to administratively close the FOIA request after 60 calendar days have passed from the date of our last correspondence to you.

§ 1250.51 What fee policies apply to archival records?

(a) NARA is specifically authorized to charge fees for copying archival records under a separate fee statute, 44 U.S.C. 2116(c). As a result, archival records are exempt from the FOIA fee waiver provisions, per 5 U.S.C. 552(a)(4)(A)(vi), and we do not grant fee waivers for archival records requested under the FOIA. However, we make most of our archival records available for examination at the NARA facility where the records are located. Whenever this is possible, you may review the records in a NARA research room at that facility free of charge and may also use your own equipment to make copies.

(b) We do not charge search fees for FOIA requests for archival records, but we do limit the search to two hours.

(c) If you would like us to make copies of archival records, we typically require you to pay all applicable fees (in accordance with the fee schedule) before we provide the copies.

(d) You can find our Fee Schedule for archival records at: *www.archives.gov/research/order/fees.html.*

§ 1250.52 What fee policies apply to operational records?

(a) For operational records, we may charge search fees even if the records are not releasable or we do not find any responsive records during our search.

(b) If you are a noncommercial FOIA requester entitled to receive 100 free pages, but the records cannot be copied onto standard-sized (8.5″ by 11″) photocopy paper, we copy them on larger paper and reduce the copy fee by the normal charge for 100 standard-sized photocopies. If the records are not on textual media (e.g., they are photographs or electronic files), we provide the equivalent of 100 pages of standard-sized paper copies for free.

(c) We do not charge you any fee if the total cost for processing your request is $25 or less.

(d) If estimated search or review fees exceed $50, we will contact you. If you have specified a different limit that you are willing to spend, we will contact

you only if we estimate the fees will exceed that specified amount.

§ 1250.53 What is the FOIA fee schedule for operational records?

In responding to FOIA requests for operational records, NARA charges the following fees, where applicable, unless we have given you a reduction or waiver of fees under § 1250.56.

(a) *Search fees*—(1) *Manual searching.* When the search is relatively straightforward and can be performed by a clerical or administrative employee, the search rate is $16 per hour (or fraction thereof). When the request is more complicated and must be done by a NARA professional employee, the rate is $33 per hour (or fraction thereof).

(2) *Computer searching.* NARA bases the fees for computer searches on the actual cost to NARA of operating the computer and the salary of the operator. When the search is relatively straightforward and a clerical or administrative employee can conduct it, the search rate is $16 per hour (or fraction thereof). When the request is more complicated and a NARA professional employee must perform it, the rate is $33 per hour (or fraction thereof).

(b) *Review fees.* (1) NARA charges review fees for time we spend examining documents that are responsive to a request to determine whether we must apply any FOIA exemptions to withhold information. NARA charges review fees even if we ultimately are unable to disclose a record.

(2) The review fee is $33 per hour (or fraction thereof).

(3) NARA does not charge review fees for time we spend resolving general legal or policy issues regarding the application of exemptions. However, NARA does charge review fees for time we spend obtaining and considering any formal objection to disclosure made by a confidential commercial information submitter.

(c) *Reproduction fees*—(1) *Self-service photocopying.* At NARA facilities with self-service photocopiers, you may make reproductions of released paper records for $0.25 per page.

(2) *Photocopying standard-sized pages.* When we make the photocopies for operational records, the charge is $0.30 per page.

(3) *Reproductions of electronic records.* NARA charges you for our direct costs for staff time for programming, computer operations, and printouts or electromagnetic media to reproduce the requested electronic information. When the work is relatively straightforward and a clerical or administrative employee can perform it, the rate is $16 per hour (or fraction thereof). When the request is more complicated and a NARA professional employee must do it, the rate is $33 per hour (or fraction thereof).

(4) *Copying other media.* This is the direct cost to NARA of the reproduction. We provide specific rates on a case-by-case basis.

§ 1250.54 How does NARA calculate FOIA fees for operational records?

(a) If you are a commercial use requester, NARA charges you fees for searching, reviewing, and copying responsive records.

(b) If you are an educational or scientific institution requester, or a member of the news media, you are entitled to search time, review time, and up to 100 pages of copying without charge. NARA charges copying fees only beyond the first 100 pages.

(c) If you do not fall into either of the categories in paragraphs (a) and (b) of this section, and are an ''other requester,'' you are entitled to two hours of search and review time, and up to 100 pages of copying without charge. NARA may charge for search time beyond the first two hours and for copying beyond the first 100 pages.

(d) NARA does not charge a fee for processing a FOIA request if it exceeds any time limit under 5 U.S.C. 552(a)(6) in processing that request, unless unusual or exceptional circumstances (defined under the FOIA statute) are relevant.

§ 1250.56 How may I request a fee waiver for operational records?

(a) We waive or reduce your fees for NARA operational records only if your request meets *both* of the following criteria:

(1) The request is in the public interest (*i.e.,* the information is likely to contribute significantly to public understanding of the operations or activities of the Government); and

(2) The request is not primarily in your commercial interest.

(b) To be eligible for a fee waiver or reduction you must explain:

(1) How the records you are requesting pertain to the operations and activities of the Federal Government. There must be a clear connection between the identifiable operations or activities of the Federal Government and the subject of your request;

(2) How the release will reveal meaningful information that the public does not already know about Federal Government activities. Disclosing information that is already in the public domain, in either the same or a substantially-identical form, does not add anything new to the public's understanding of Government activities;

(3) How disclosure to you will advance public understanding of the issue;

(4) Your expertise or understanding of the requested records as well as your ability and intention to effectively convey information to the public. NARA ordinarily presumes that a representative of the news media satisfies this consideration;

(5) How you intend to disseminate the requested information to a broad spectrum of the public; and

(6) How disclosure will lead to a significantly greater understanding of the Government by the public.

(c) After reviewing your request and determining that there is a substantial public interest in release, we also determine if the request primarily furthers your commercial interests. If it does, you are not eligible for a fee waiver.

(d) You should ask for waiver or reduction of fees when you first submit your request to NARA, and should address the criteria referenced above. You may also ask for a fee waiver at a later time while the underlying record request is still pending or during an administrative appeal.

(e) We may also waive (either partially or in full) or reduce fees for operational records in additional circumstances as a matter of administrative discretion.

Subpart D—Appeals

§ 1250.70 When may I appeal NARA's FOIA determination?

You may appeal when there is any adverse determination, including:

(a) Refusal to release a record, either in whole or in part;

(b) Determination that a record does not exist or cannot be found;

(c) Determination that the record you sought was not subject to the FOIA;

(d) Denial of a request for expedited processing;

(e) Denial of a fee waiver request; or

(f) Fee category determination.

§ 1250.72 How do I file an appeal?

(a) You may submit your appeal via mail or electronically. All appeals must be in writing and received by NARA within 60 calendar days from the date of our determination letter.

(1) For appeals submitted via mail, you should mark both your letter and envelope with the words ''FOIA Appeal,'' and include either your tracking number or a copy of your initial request and our determination letter.

(i) If NARA's Inspector General denied your request, send your appeal to the Archivist of the United States; (ATTN: FOIA Appeal Staff); Room 4200, National Archives and Records Administration; 8601 Adelphi Road; College Park, Maryland 20740–6001.

(ii) Send all other appeals for denial of access to Federal records to the Deputy Archivist of the United States; (ATTN: FOIA Appeal Staff); Room 4200; National Archives and Records Administration; 8601 Adelphi Road; College Park, Maryland 20740–6001.

(iii) For Presidential records, send appeals to the appropriate Presidential library director at the address listed in 36 CFR 1253.3.

(2) For all appeals submitted electronically, except those regarding Presidential records, send an email to *FOIA@nara.gov.* For Presidential records, electronic appeals must contain all the information listed in § 1250.72 and be sent to the email address of the appropriate Presidential library. These email addresses are listed in 36 CFR 1253.3. The subject line of the email should read ''PRA/FOIA appeal.''

(b) In your appeal letter, you may include as much or as little related information as you wish, as long as it clearly identifies NARA's initial determination letter (including the assigned request number, if known) from which you are appealing, and why we should release the records, grant your fee waiver request, or expedite the processing of your request. If we were not able to find the records you wanted, explain why you believe NARA's search was inadequate. If we denied you access to records and told you that those records were not subject to FOIA, please explain why you believe the records are subject to FOIA.

§ 1250.74 How does NARA process appeals?

(a) We respond to your appeal within 20 working days after the appeal official designated in 36 CFR 1250.72(a)(1)(i) and (ii) receives it. If we reverse or modify the initial decision, we inform you in writing and, if applicable, reprocess your request. For Presidential records, if we release any additional information, we must follow the notification procedures outlined in 36 CFR 1250.26(j). If we do not change our initial decision, we respond in writing to you, explain the reasons for the decision, and set out any FOIA exemptions that apply.

(1) An adverse determination by the Archivist or Deputy Archivist will be the final action by NARA; and

(2) NARA will cease processing an appeal if a requester files a FOIA lawsuit.

(b) We notify you of your right to seek judicial review of an adverse determination as set forth in the FOIA at 5 U.S.C. 552(a)(4)(B). If you wish to seek judicial review of any adverse determination, you must first appeal it administratively under this section.

(c) We also inform you that the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road—OGIS, College Park, MD 20740, *ogis.archives.gov,* Email: *ogis@nara.gov*, Telephone: 202–741–5770, Facsimile: 202–741–5769, Toll-free: 1–877–684–6448.

Subpart E—Confidential Commercial Information

§ 1250.80 How does a submitter identify records containing confidential commercial information?

At the time of submission, a submitter of business information is expected to designate, by appropriate markings, any portions of its submission that it considers to be protected from disclosure under FOIA Exemption 4. Although these portions may be designated, this does not preclude NARA from conducting a full FOIA review of all such documents if a FOIA request for those records has been received. These designations will expire 10 years after the date of the submission unless the submitter requests, and provides justification for, a longer designation period, or NARA extends the designation period at its discretion.

§ 1250.82 How does NARA process FOIA requests for confidential commercial information?

If NARA receives a FOIA request for records containing confidential commercial information or for records that we believe may contain confidential commercial information, we follow these procedures:

(a) If the records are less than 10 years old or are still covered under an extended FOIA Exemption 4 designation period, we review the records in response to a FOIA request. If we then believe that we should release the records under FOIA, we make reasonable efforts to inform the submitter. The notice to the submitter describes the business information requested or includes copies of the requested records. NARA does not notify the submitter when we determine that:

(1) We must withhold the information under FOIA's exemptions;

(2) The information has been lawfully published or made available to the public; or

(3) We are required by a statute (other than the FOIA), or by a regulation issued in accordance with the requirements of Executive Order 12600, to disclose the information.

(b) If the records are 10 or more years old, we review the records in response to a FOIA request as we would any other records, and at our discretion, inform the submitter. NARA releases the records if we determine that neither Exemption 4 nor any other exemption applies.

(c) When the request is for information from a single or small number of submitters, we send a notice via registered mail to the submitter's last known address. NARA's notice to the submitter includes a copy of the FOIA request and tells the submitter the time limits and procedures for objecting to the release of the requested material.

(d) When the request involves information from a voluminous number of submitters, we may post or publish the notice in a place or manner reasonably likely to inform the submitters of the proposed disclosure, instead of sending letters.

(e) We provide the submitter with 20 working days from the date of NARA's notice to object to the release and to explain a basis for the objection, including justification and support for the claim. The NARA FOIA Officer may extend this period as appropriate.

(f) We review and consider all objections to release that we receive within the time limit. Any information provided by a submitter under this provision may itself be subject to disclosure under FOIA. NARA considers a submitter who fails to respond within the time period specified in the notice to have no objection to disclosure of the information. If we decide to release the records, we inform the submitter in writing, along with NARA's reasons for the decision to release. We include with the notice copies of the records as we intend to release them. We also inform the submitter that we intend to release the records within a reasonable time after the date of the notice unless a U.S. District Court forbids disclosure. NARA will not consider any information we receive after the date of a disclosure decision.

(g) If the requester files a lawsuit under the FOIA for access to any withheld records, we promptly notify the submitter.

(h) NARA notifies the requester in three circumstances:

(1) When we notify the submitter of the opportunity to object to disclosure, or to extend the time for objecting;

(2) When we notify the submitter of our intent to disclose the requested information; and

(3) When a submitter files a lawsuit to prevent the disclosure of the information.

Dated: September 10, 2014.

David S. Ferriero,

Archivist of the United States.

[FR Doc. 2014–22186 Filed 9–19–14; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0596; FRL–9916–82–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; 2014 Amendments to West Virginia's Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the West Virginia State Implementation Plan (SIP). The revision pertains to amendments of West Virginia's Legislative Rule on Ambient Air Quality Standards which change the effective date of the incorporation by reference of the National Ambient Air Quality Standards (NAAQS) as well as their monitoring reference and equivalent methods. EPA is approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on November 21, 2014 without further notice, unless EPA receives adverse written comment by October 22, 2014. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0596 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. Email: *fernandez.cristina@epa.gov.*

C. Mail: EPA–R03–OAR–2014–0596, Cristina Fernandez, Associate Director, Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0596. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Ellen Schmitt, (215) 814–5787, or by email at *schmitt.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 1, 2014, the West Virginia Department of Environmental Protection (WVDEP) submitted a formal revision to its SIP pertaining to amendments of Legislative Rule, 45 CSR 8—Ambient Air Quality Standards. The SIP revision consists of revising the effective date of the incorporation by reference of the NAAQS and the associated monitoring reference and equivalent methods. This rulemaking action is required because on January 15, 2013, EPA revised the NAAQS for fine particulate matter ($PM_{2.5}$). *See* 78 FR 3086. The annual arithmetic mean concentration was set at 12 micrograms per cubic meter (μg/m^3), and the standard for the 24-hour concentration was retained at 35 μg/m^3, (collectively, the 2013 $PM_{2.5}$ NAAQS).

II. Summary of SIP Revision

This SIP revision is required by WVDEP in order to update the State's incorporation by reference of the primary and secondary NAAQS and the ambient air monitoring reference and equivalent methods, found in 40 CFR parts 50 and 53, respectively. Currently, 45 CSR 8 incorporates by reference 40 CFR parts 50 and 53 as effective on June 1, 2011. Since that date, EPA revised the standards for $PM_{2.5}$; this SIP revision updates 45 CSR 8 to include the 2013 $PM_{2.5}$ NAAQS.

The amendments to the legislative rule include the following changes: To section 45–8–1 (General), the filing and effective dates are changed to reflect the update of the legislative rule; to section 45–8–3 (Adoption of Standards), the effective dates for the incorporation by reference of the primary and secondary NAAQS and the ambient air monitoring reference and equivalent methods are changed. The filing and effective dates of the legislative rule were updated to April 4, 2014 and June 1, 2014 respectively. The effective date of the incorporation by reference of 40 CFR Parts 50 and 53 changed from June 1, 2011 to June 1, 2013.

III. Final Action

EPA is approving the amendments to Legislative Rule, 45 CSR 8—Ambient Air Quality Standards, into the West Virginia SIP. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on November 21, 2014 without further notice unless EPA receives adverse comment by October 22, 2014. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 21, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking action. This action, revising 45 CSR 8, may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 2, 2014.

William C. Early,

Acting, Regional Administrator, Region III.

Therefore, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart XX—West Virginia

■ 2. In § 52.2520, the table in paragraph (c) is amended by revising the entries for 45–8–1 through 45–8–4 to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.2565
* *	*	*	* *	*
[45 CSR] Series 8 Ambient Air Quality Standards				
45–8–1	General	6/1/14	9/22/14 [*Insert* ***Federal Register*** *citation*].	Filing and effective dates are revised.
45–8–2	Definitions	6/1/14	9/22/14 [*Insert* ***Federal Register*** *citation*].	
45–8–3	Adoption of Standards	6/1/14	9/22/14 [*Insert* ***Federal Register*** *citation*].	Effective date is revised.
45–8–4	Inconsistency Between Rules	6/1/14	9/22/14 [*Insert* ***Federal Register*** *citation*].	
* *	*	*	* *	*

* * * * *

[FR Doc. 2014–22418 Filed 9–19–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2013–0635, 0319, 0320, 0321, and 0322; FRL–9916–74–OSWER]

National Priorities List, Final Rule No. 59

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA'' or ''the Act''), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''the EPA'' or ''the agency'') in determining which sites warrant further investigation. These further investigations will allow the EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule adds five sites to the General Superfund section of the NPL.

DATES: The effective date for this amendment to the NCP is October 22, 2014.

ADDRESSES: Contact information for the EPA Headquarters:

- Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; 1301 Constitution Avenue NW; William Jefferson Clinton Building West, Room 3334, Washington, DC 20004, 202/566–0276.

The contact information for the regional dockets is as follows:

- Holly Inglis, Region 1 (CT, ME, MA, NH, RI, VT), U.S. EPA, Superfund Records and Information Center, 5 Post Office Square, Suite 100, Boston, MA 02109–3912; 617/918–1413.
- Ildefonso Acosta, Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; 212/637–4344.
- Lorie Baker (ASRC), Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA, Library, 1650 Arch Street, Mailcode 3HS12, Philadelphia, PA 19103; 215/814–3355.
- Todd Quesada, Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA Superfund Division Librarian/SFD Records Manager SRC–7J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604; 312/886–4465.
- Brenda Cook, Region 6 (AR, LA, NM, OK, TX), U.S. EPA, 1445 Ross Avenue, Suite 1200, Mailcode 6SFTS, Dallas, TX 75202–2733; 214/665–7436.

FOR FURTHER INFORMATION CONTACT: Terry Jeng, phone: (703) 603–8852, email: *jeng.terry@epa.gov,* Site Assessment and Remedy Decisions Branch, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation (Mailcode 5204P), U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue NW., Washington, DC 20460; or the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

SUPPLEMENTARY INFORMATION:

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I. Background

A. What are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases or threatened releases of hazardous substances, and releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Public Law 99–499, 100 Stat. 1613 *et seq.*

B. What is the NCP?

To implement CERCLA, the EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, or releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. The EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action, for the purpose of taking removal action.'' ''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases of hazardous substances, pollutants or contaminants (42 U.S.C. 9601(23)).

C. What is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR Part 300), was required under section 105(a)(8)(B) of CERCLA, as amended. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. The NPL is of only limited significance, however, as it does not assign liability to any party or to the owner of any specific property. Also, placing a site on the NPL does not mean that any remedial or removal action necessarily need be taken.

For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by the EPA (the ''General Superfund section'') and one of sites that are owned or operated by other federal agencies (the ''Federal Facilities section''). With respect to sites in the Federal Facilities section, these sites are generally being addressed by other federal agencies. Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody or control, although the EPA is responsible for preparing a Hazard Ranking System (''HRS'') score and determining whether the facility is placed on the NPL.

D. How are sites listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP): (1) A site may be included on the NPL if it scores sufficiently high on the HRS, which the EPA promulgated as appendix A of the NCP (40 CFR Part 300). The HRS serves as a screening tool to evaluate the relative potential of uncontrolled hazardous substances, pollutants or contaminants to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), the EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: Ground water, surface water, soil exposure and air. As a matter of agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL. (2) Pursuant to 42 U.S.C. 9605(a)(8)(B), each state may designate a single site as its top priority to be listed on the NPL, without any HRS score. This provision of CERCLA requires that, to the extent practicable, the NPL include one facility designated by each state as the greatest danger to public health, welfare or the environment among known facilities in the state. This mechanism for listing is set out in the NCP at 40 CFR 300.425(c)(2). (3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed without any HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- The EPA determines that the release poses a significant threat to public health.
- The EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

The EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658) and generally has updated it at least annually.

E. What happens to sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with a permanent remedy, taken instead of or in addition to removal actions. * * *'' 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2), placing a site on the NPL ''does not imply that monies will be expended.'' The EPA may pursue other appropriate authorities to respond to the releases, including enforcement action under CERCLA and other laws.

F. Does the NPL define the boundaries of sites?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so. Indeed, the precise nature and extent of the site are typically not known at the time of listing.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance has ''come to be located'' (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. However, the NPL site is not necessarily coextensive with the boundaries of the installation or plant, and the boundaries of the installation or plant are not necessarily the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location where that contamination has come to be located, or from where that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the ''Jones Co. Plant site'') in terms of the property owned by a particular party, the site, properly understood, is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to, nor confined by, the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. In addition, the site name is merely used to help identify the geographic location of the contamination, and is not meant to constitute any determination of liability at a site. For example, the name ''Jones Co. plant site,'' does not imply that the Jones Company is responsible for the contamination located on the plant site.

EPA regulations provide that the remedial investigation (''RI'') ''is a process undertaken * * * to determine the nature and extent of the problem presented by the release'' as more information is developed on site contamination, and which is generally performed in an interactive fashion with the feasibility study (''FS'') (40 CFR 300.5). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, the HRS inquiry focuses on an evaluation of the threat posed and therefore the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are completed at a site. Indeed, the known boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, it can submit supporting information to the agency at any time after it receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

G. How are sites removed from the NPL?

The EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that the EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

(iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate.

H. May the EPA delete portions of sites from the NPL as they are cleaned up?

In November 1995, the EPA initiated a policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and made available for productive use.

I. What is the Construction Completion List (CCL)?

The EPA also has developed an NPL construction completion list (''CCL'') to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when: (1) Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved; (2) the EPA has determined that the response action should be limited to measures that do not involve construction (e.g., institutional controls); or (3) the site qualifies for deletion from the NPL. For the most up-to-date information on the CCL, see the EPA's Internet site at *http://www.epa.gov/superfund/cleanup/ccl.htm.*

J. What is the sitewide ready for anticipated use measure?

The Sitewide Ready for Anticipated Use measure represents important Superfund accomplishments and the measure reflects the high priority the EPA places on considering anticipated future land use as part of the remedy selection process. See Guidance for Implementing the Sitewide Ready-for-Reuse Measure, May 24, 2006, OSWER 9365.0–36. This measure applies to final and deleted sites where construction is complete, all cleanup goals have been achieved, and all institutional or other controls are in place. The EPA has been

successful on many occasions in carrying out remedial actions that ensure protectiveness of human health and the environment for current and future land uses, in a manner that allows contaminated properties to be restored to environmental and economic vitality. For further information, please go to *http://www.epa.gov/superfund/programs/recycle/pdf/sitewide_a.pdf*

K. What is state/tribal correspondence concerning NPL listing?

In order to maintain close coordination with states and tribes in the NPL listing decision process, the EPA's policy is to determine the position of the states and tribes regarding sites that the EPA is considering for listing. This consultation process is outlined in two memoranda that can be found at the following Web site: *http://www.epa.gov/superfund/sites/npl/hrsres/policy/govlet.pdf.* The EPA is improving the transparency of the process by which state and tribal input is solicited. The EPA is using the Web and where appropriate more structured state and tribal correspondence that (1) explains the concerns at the site and the EPA's rationale for proceeding; (2) requests an explanation of how the state intends to address the site if placement on the NPL is not favored; and (3) emphasizes the transparent nature of the process by informing states that information on their responses will be publicly available.

A model letter and correspondence from this point forward between the EPA and states and tribes where applicable, is available on the EPA's Web site at *http://www.epa.gov/superfund/sites/query/queryhtm/nplstcor.htm.*

II. Availability of Information to the Public

A. May I review the documents relevant to this final rule?

Yes, documents relating to the evaluation and scoring of the sites in this final rule are contained in dockets located both at the EPA Headquarters and in the regional offices.

An electronic version of the public docket is available through *http://www.regulations.gov* (see table below for docket identification numbers). Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facilities identified below in section II D.

DOCKET IDENTIFICATION NUMBERS BY SITE

Site name	City/County, state	Docket ID No.
North Shore Drive	Elkhart, IN	EPA–HQ–SFUND–2014–0319.
Delta Shipyard	Houma, LA	EPA–HQ–SFUND–2014–0320.
Pierson's Creek	Newark, NJ	EPA–HQ–SFUND–2013–0635.
Baghurst Drive	Harleysville, PA	EPA–HQ–SFUND–2014–0321.
Jard Company, Inc.	Bennington, VT	EPA–HQ–SFUND–2014–0322.

B. What documents are available for review at the Headquarters docket?

The Headquarters docket for this rule contains, for each site, the HRS score sheets, the documentation record describing the information used to compute the score, pertinent information regarding statutory requirements or the EPA listing policies that affect the site and a list of documents referenced in the documentation record. For sites that received comments during the comment period, the Headquarters docket also contains a support document that includes the EPA's responses to comments.

C. What documents are available for review at the regional dockets?

The regional dockets contain all the information in the Headquarters docket, plus the actual reference documents containing the data principally relied upon by the EPA in calculating or evaluating the HRS score for the sites located in their region. These reference documents are available only in the regional dockets. For sites that received comments during the comment period, the regional docket also contains a support document that includes the EPA's responses to comments.

D. How do I access the documents?

You may view the documents, by appointment only, after the publication of this rule. The hours of operation for the Headquarters docket are from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays. Please contact the regional dockets for hours. For addresses for the Headquarters and regional dockets, see ''Addresses'' section in the beginning portion of this preamble.

E. How may I obtain a current list of NPL sites?

You may obtain a current list of NPL sites via the Internet at *http://www.epa.gov/superfund/sites/npl/index.htm* or by contacting the Superfund docket (see contact information in the beginning portion of this document).

III. Contents of This Final Rule

A. Additions to the NPL

This final rule adds the following five sites to the General Superfund section of the NPL. All of the sites included in this final rulemaking are being added to the NPL based on HRS scores of 28.50 or above. The sites are presented in the table below:

General Superfund section:

State	Site name	City/County
IN	North Shore Drive	Elkhart.
LA	Delta Shipyard	Houma.
NJ	Pierson's Creek	Newark.
PA	Baghurst Drive	Harleysville.

State	Site name	City/County
VT	Jard Company, Inc.	Bennington.

B. What did the EPA do with the public comments it received?

The EPA reviewed all comments received on the sites in this rule and responded to all relevant comments. Comments on one of the sites, Pierson's Creek (formerly called Troy Chem Corp Inc), in Newark, NJ, proposed December 12, 2013 (78 FR 75534), are addressed in a response to comment support document available in the public docket concurrently with this rule.

Three of the other four sites being added to the NPL in this rule, which were proposed May 12, 2014 (79 FR 26922), did not receive any comments. These sites are Jard Company, Inc. in Bennington, VT, Baghurst Drive in Harleysville, PA, and Delta Shipyard in Houma, LA.

The fourth site, North Shore Drive in Elkhart, IN, also proposed May 12, 2014, received one late comment unrelated to the listing. The comment stated that EPA rules were unnecessary burdens on business and were too onerous and numerous to be rational, the Keystone Pipeline would be approved, and EPA should be restructured to maintain public awareness but eliminate its ability to fine, tax or punish. In response, EPA notes these comments are unrelated to the actual listing of the North Shore Drive ground water plume. EPA's role in general, and specifically with respect to energy production, has no bearing on whether this site should be added to the NPL. Nothing raised in the comment impacted the HRS score or the decision to list the North Shore Drive Site.

C. Site Name Change

The EPA is changing the name of the Troy Chem Corp Inc site in Newark, New Jersey to Pierson's Creek. This site was proposed for NPL addition on December 12, 2013 (78 FR 75534). Please review the Pierson's Creek support document (or response to comment document) for an explanation for the name change.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

1. What is Executive Order 12866?

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the agency must determine whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities or the principles set forth in the Executive Order.

2. Is this final rule subject to Executive Order 12866 review?

No. The listing of sites on the NPL does not impose any obligations on any entities. The listing does not set standards or a regulatory regime and imposes no liability or costs. Any liability under CERCLA exists irrespective of whether a site is listed. It has been determined that this action is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Paperwork Reduction Act

1. What is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR Part 9.

2. Does the Paperwork Reduction Act apply to this final rule?

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* the EPA has determined that the PRA does not apply because this rule does not contain any information collection requirements that require approval of the OMB.

Burden means the total time, effort or financial resources expended by persons to generate, maintain, retain or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR Part 9.

C. Regulatory Flexibility Act

1. What is the Regulatory Flexibility Act?

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

2. How has the EPA complied with the Regulatory Flexibility Act?

This rule listing sites on the NPL does not impose any obligations on any group, including small entities. This

rule also does not establish standards or requirements that any small entity must meet, and imposes no direct costs on any small entity. Whether an entity, small or otherwise, is liable for response costs for a release of hazardous substances depends on whether that entity is liable under CERCLA 107(a). Any such liability exists regardless of whether the site is listed on the NPL through this rulemaking. Thus, this rule does not impose any requirements on any small entities. For the foregoing reasons, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

1. What is the Unfunded Mandates Reform Act (UMRA)?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures by state, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before the EPA promulgates a rule where a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of the EPA regulatory proposals with significant federal intergovernmental mandates and informing, educating and advising small governments on compliance with the regulatory requirements.

2. Does UMRA apply to this final rule?

This final rule does not contain a federal mandate that may result in expenditures of $100 million or more for state, local and tribal governments, in the aggregate, or the private sector in any one year. Listing a site on the NPL does not itself impose any costs. Listing does not mean that the EPA necessarily will undertake remedial action. Nor does listing require any action by a private party or determine liability for response costs. Costs that arise out of site responses result from site-specific decisions regarding what actions to take, not directly from the act of placing a site on the NPL. Thus, this rule is not subject to the requirements of section 202 and 205 of UMRA.

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. As is mentioned above, site listing does not impose any costs and would not require any action of a small government.

E. Executive Order 13132: Federalism

1. What is Executive Order 13132?

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.''

2. Does Executive Order 13132 apply to this final rule?

This final rule does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it does not contain any requirements applicable to states or other levels of government. Thus, the requirements of the Executive Order do not apply to this final rule.

The EPA believes, however, that this final rule may be of significant interest to state governments. In the spirit of Executive Order 13132, and consistent with the EPA policy to promote communications between the EPA and state and local governments, the EPA therefore consulted with state officials and/or representatives of state governments early in the process of developing the rule to permit them to have meaningful and timely input into its development. All sites included in this final rule were referred to the EPA by states for listing. For all sites in this rule, the EPA received letters of support either from the governor or a state official who was delegated the authority by the governor to speak on their behalf regarding NPL listing decisions.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

1. What is Executive Order 13175?

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the federal government and the Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes.''

2. Does Executive Order 13175 apply to this final rule?

This final rule does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). Listing a site on the NPL does not impose any costs on a tribe or require a tribe to take remedial action. Thus, Executive Order 13175 does not apply to this final rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

1. What is Executive Order 13045?

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that the EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the agency must evaluate the

environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the agency.

2. Does Executive Order 13045 apply to this final rule?

This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because the agency does not have reason to believe the environmental health or safety risks addressed by this section present a disproportionate risk to children.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

1. What is Executive Order 13211?

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use'' (66 FR 28355, May 22, 2001), requires federal agencies to prepare a ''Statement of Energy Effects'' when undertaking certain regulatory actions. A Statement of Energy Effects describes the adverse effects of a ''significant energy action'' on energy supply, distribution, and use, reasonable alternatives to the action and the expected effects of the alternatives on energy supply, distribution, and use.

2. Does Executive Order 13211 apply to this final rule?

This action is not a ''significant energy action'' as defined in Executive Order 13211, because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. Further, the agency has concluded that this final rule is not likely to have any adverse energy impacts because adding a site to the NPL does not require an entity to conduct any action that would require energy use, let alone that which would significantly affect energy supply, distribution or usage. Thus, Executive Order 13211 does not apply to this action.

I. National Technology Transfer and Advancement Act

1. What is the National Technology Transfer and Advancement Act?

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

2. Does the National Technology Transfer and Advancement Act apply to this final rule?

No. This rulemaking does not involve technical standards. Therefore, the EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

1. What is Executive Order 12898?

Executive Order (EO) 12898 (59 FR 7629, Feb. 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States.

2. Does Executive Order 12898 apply to this final rule?

The EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. As this rule does not impose any enforceable duty upon state, tribal or local governments, this rule will neither increase nor decrease environmental protection.

K. Congressional Review Act

1. Has the EPA submitted this rule to Congress and the Government Accountability Office?

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A ''major rule'' cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

2. Could the effective date of this final rule change?

Provisions of the Congressional Review Act (CRA) or section 305 of CERCLA may alter the effective date of this regulation.

The EPA has submitted a report under the CRA for this rule. The rule will take effect, as provided by law, within 30 days of publication of this document, since it is not a major rule. NPL listing is not a major rule because, by itself, imposes no monetary costs on any person. It establishes no enforceable duties, does not establish that the EPA necessarily will undertake remedial action, nor does it require any action by any party or determine liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Section 801(a)(3) provides for a delay in the effective date of major rules after this report is submitted.

3. What could cause a change in the effective date of this rule?

Under 5 U.S.C. 801(b)(1), a rule shall not take effect, or continue in effect, if Congress enacts (and the President signs) a joint resolution of disapproval, described under section 802.

Another statutory provision that may affect this rule is CERCLA section 305, which provides for a legislative veto of regulations promulgated under CERCLA. Although *INS* v. *Chadha,* 462 U.S. 919,103 S. Ct. 2764 (1983), and *Bd. of Regents of the University of Washington* v. *EPA,* 86 F.3d 1214,1222 (D.C. Cir. 1996), cast the validity of the legislative veto into question, the EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives.

If action by Congress under either the CRA or CERCLA section 305 calls the effective date of this regulation into question, the EPA will publish a document of clarification in the **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 10, 2014.

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 2. Table 1 of Appendix B to part 300 is amended by adding entries for ''North Shore Drive'', ''Delta Shipyard'', ''Pierson's Creek'', ''Baghurst Drive'', and ''Jard Company, Inc.'' in alphabetical order by state.

The additions read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes [a]
* * * * * * *			
IN	North Shore Drive	Elkhart.	
* * * * * * *			
LA	Delta Shipyard	Houma.	
* * * * * * *			
NJ	Pierson's Creek	Newark.	
* * * * * * *			
PA	Baghurst Drive	Harleysville.	
* * * * * * *			
VT	Jard Company, Inc.	Bennington.	
* * * * * * *			

* * * * *

Notes:

[a] A = Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be greater than or equal to 28.50).

[FR Doc. 2014–22429 Filed 9–19–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Part 515

[Docket No. 14–08]

RIN 3072–AC56

Procedure for Public Notification of Ocean Transportation Intermediary Licensing Activity

AGENCY: Federal Maritime Commission.

ACTION: Direct final rule; confirmation of effective date and response to public comment.

SUMMARY: The Federal Maritime Commission (FMC or Commission) is confirming the effective date of the direct final rule published on July 24, 2014, and responds to the comment received. The rule changes the method the Commission uses to provide public notice of Ocean Transportation Intermediary (OTI) license applications, revocations and suspensions by publishing this information on the FMC's official public Web site rather than publishing the same information in the **Federal Register**. This change provides more timely public notification of official FMC action on OTI licensing matters, simplifies the Commission's business processes, and reduces agency administrative costs.

DATES: The direct final rule published July 24, 2014, at 79 FR 42986, is effective on September 22, 2014.

FOR FURTHER INFORMATION CONTACT: Karen V. Gregory, Secretary, Federal Maritime Commission, 800 N. Capitol Street NW., Washington, DC 20573–0001, (202) 523–5725, Fax (202) 523–0014, *Email: Secretary@fmc.gov.*

SUPPLEMENTARY INFORMATION: While not statutorily mandated, current Commission rules require **Federal Register** (FR) notice for both OTI license applications, 46 CFR 515.12, and revocation or suspension of OTI licenses, 46 CFR 515.16. The Commission has historically used the FR to provide public notice of OTI licensing activity long before the emergence and wide-spread use of the internet and before courts began to often treat information on official government Web sites as proper items for judicial notice.

Section 19(c) of the Shipping Act, 46 U.S.C. 40903, requires that notice be provided prior to suspension or revocation of an OTI license. The Administrative Procedures Act (APA), 5 U.S.C. 558, provides that an agency must, when acting to withdraw, or annul a license required by law, provide notice in writing of (1) the facts or conduct warranting the action, and (2) opportunity for the licensee to demonstrate compliance with the law. Neither the APA, nor the Freedom of Information Act, 5 U.S.C. § 552(a)(1)(A), specify that notice must be published in the FR. Nonetheless, current Commission rules require FR notice for both OTI license applications, 46 CFR 515.12, and revocation or suspension of OTI licenses, 46 CFR 515.12.

Consequently, in the direct final rule published July 24, 2014 (79 FR 42986) the Commission amended its regulations to change the method by which it provides notice of OTI

licensing matters by publishing the information it currently publishes in the FR on the FMC's public Web site.

The Commission received one comment to the direct final rule from UPS Ocean Freight Services, Inc., a licensed non-vessel-operating common carrier (NVOCC); UPS Europe SPRL, a registered foreign NVOCC; UPS Asia Group Pte. Ltd., a registered foreign NVOCC; and UPS Supply Chain Solutions, Inc., a licensed freight forwarder (collectively ''UPS'').

UPS voiced concern that adoption of the direct final rule and ''. . . reliance solely on a Web site, without the formal record and archiving functions of **Federal Register** notices, places the general shipping public, and licensed or registered OTIs in particular, at risk when making or accepting ocean freight bookings with shipper OTIs.'' UPS noted the Shipping Act requirements contained in 46 U.S.C 41104(11) and (12) as well as the Commission's regulations that prohibit accepting cargo for transport, entering into a service contract, or entering into arrangements with an unlicensed person. In this regard, UPS raised concern about reliance on the ''current [FMC] Web site OTI listing'' and noted that it does not appear to be a resource like the FR that can be researched to determine the exact date on which the Commission took action with respect to the status of an OTI. UPS is concerned that ''if a carrier or forwarder is challenged by the Commission staff with respect to the lawfulness of a particular booking accepted from a shipper OTI, the exact date of such shipper OTI's licensing or disqualification can be established with reference to a source of which judicial notice will be taken.''

The Commission appreciates UPS's comments and concerns and addresses those concerns by clarifying the effect of the proposed rule. UPS's comments suggest that they believe adoption of this change will result in replacing the OTI licensing information the Commission has historically published in the FR solely with the information maintained and listed on the Commission's Ocean Transportation Intermediaries (OTI) List at *http://www2.fmc.gov/oti/.* This is not the Commission's intention.

In changing its publication method from FR publication to Web site publication pursuant to the direct final rule, the Commission plans to create a new, dedicated Web page where it will continue to publish the same OTI licensing information that it has historically published in the FR, i.e., date of application, license number, applicant name, applicant address, type of application, date of revocation, and reason for revocation. The Commission will also create new Web pages to archive older OTI licensing activity postings for easy reference and historical research so the public and particularly carriers and OTIs can determine the exact, official date the Commission took an action with respect to the licensing status of an OTI. Therefore, the same OTI licensing activity information that the Commission historically published in the FR will now be published and searchable on the FMC's public Web site including archived postings.

The Commission acknowledges that courts take judicial notice of documents published in the FR with ease. Information on official government Web sites has often been treated as proper content for judicial notice because the nature of the material posted lends itself to meeting the requirements under Federal Rule of Evidence 201(b). *Paralyzed Veterans of Am.* v. *McPherson,* 2008 U.S. Dist. LEXIS 69542, at *16–17 (N.D. Cal. 2008).

After careful review and consideration of UPS's comment submitted in response to the direct final rule, the Commission has determined that no further rulemaking action is necessary. Therefore, the direct final rule published July 24, 2014 (79 FR 42986) will become effective as scheduled on September 22, 2014.

By the Commission.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–22426 Filed 9–19–14; 8:45 am]

BILLING CODE 6730–01–P

Proposed Rules

Federal Register
Vol. 79, No. 183
Monday, September 22, 2014

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 32 and 35

[NRC–2008–0175]

RIN 3150–AI63

Medical Use of Byproduct Material—Medical Event Definitions, Training and Experience, and Clarifying Amendments; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) published a proposed rule appearing in the **Federal Register** (FR) on July 21, 2014, to amend the NRC's regulations related to the medical use of byproduct material. The public comment period for the information collection aspects of the proposed rule was to have ended on August 20, 2014. However, the proposed rule inadvertently omitted the one-time implementation costs from the information collection burden estimate. This action sets out the corrected information collection burden estimate in its entirety and allows the public 30 days to comment from the date of publication of this action.

DATES: This correction is effective on September 22, 2014. Submit comments on the information collection aspects of the proposed rule by October 22, 2014.

ADDRESSES: Please refer to Docket ID NRC–2008–0175 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0175. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The proposed rule is available electronically in ADAMS under Accession No. ML14183B493. The draft proposed guidance document may be found in ADAMS under Accession No. ML13172A189.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Neelam Bhalla, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–0978, email: *Neelam.Bhalla@nrc.gov*.

SUPPLEMENTARY INFORMATION: In *FR* Doc. 2014–16753 appearing on page 42409 in the **Federal Register** of Monday, July 21, 2014, beginning on page 42435, in the middle column, Section XV, ''Paperwork Reduction Act Statement,'' is corrected to read as follows:

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The rule would reduce the burden for existing information collection requirements associated with NRC Form 313, but would increase burden for 10 CFR parts 30 and 35. This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

Type of submission, new or revision: Revision.

The title of the information collection: 10 CFR parts 30, 32, and 35, Medical Use of Byproduct Material—Medical Event Definitions, Training and Experience, and Clarifying Amendments, Proposed Rule.

The form number if applicable: NRC Form 313A Series, ''Authorized User Training and Experience and Preceptor Attestation.''

How often the collection is required: The information is collected as needed. Reports required under the proposed rule are based on events that exceed limits stipulated by various sections of the proposed rule. The NRC Form 313A Series or equivalent is required when an applicant or licensee applies to have a new individual identified as an Authorized User (AU), Radiation Safety Officer (RSO), Alternate Radiation Safety Officer (ARSO), Authorized Nuclear Pharmacists, or an Authorized Medical Physicist on a medical use license during a new license, a renewal, or an amendment request.

Who will be required or asked to report: Persons licensed under 10 CFR parts 30, 32, and 35 who possess and use certain byproduct material for medical use.

An estimate of the number of annual responses: 12,392 (10 CFR Part 30: 366 responses, 10 CFR Part 35: 8,301 responses, NRC Form 313: 3,725 responses).

The estimated number of annual respondents: 7,845 (1,085 NRC/6,401 Agreement State medical use licensees and 52 NRC/307 Agreement State radiopharmacy licensees).

An estimate of the total number of hours needed annually to complete the requirement or request: 33,038.33 hours (10 CFR Part 30: 4,670.5 hours, 10 CFR Part 35: 33,551.58 hours, NRC Form 313: −5,183.75 hours). Of the 33,038.33 hours of total burden, an estimated 6,671 hours are associated with recurring requirements and 26,367.33 hours are one-time implementation burdens.

Abstract: The NRC is proposing to amend its regulations related to the medical use of byproduct material. In this action the NRC addresses three ongoing rulemaking projects and several other related topics. First, this rule proposes amendments to the reporting and notification requirements for a Medical Event for permanent implant brachytherapy. Second, the rule proposes changes to the Training and Experience requirements for AUs, medical physicists, RSOs, and nuclear pharmacists; changes to the requirements for measuring Mo contaminations and reporting of failed

technetium and rubidium generators; and changes that would allow ARSOs to be named on a medical license, as well as other clarifying and conforming amendments. Third, the NRC is considering a request filed in a petition for rulemaking (PRM–35–20) to ''grandfather'' certain board-certified individuals.

The NRC is seeking public comment on the potential impact of the information collections contained in the proposed rule and on the following issues:

1. *Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?*

2. *Is the estimate of burden accurate?*

3. *Is there a way to enhance the quality, utility, and clarity of the information to be collected?*

4. *How can the burden of the information collection be minimized, including the use of automated collection techniques?*

The public may examine and have copied, for a fee, publicly-available documents, including the draft supporting statement, at the NRC's PDR, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, Maryland 20852. The OMB clearance package and rule are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html* for 60 days after the signature date of this notice.

Send comments on any aspect of these proposed information collections, including suggestions for reducing the burden and on the above issues, by October 22, 2014 to the FOIA, Privacy, and Information Collections Branch (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by Internet electronic mail to *INFOCOLLECTS.RESOURCE@NRC.GOV* and to the Desk Officer, Danielle Y. Jones, Office of Information and Regulatory Affairs, NEOB–10202, (3150–AI63), Office of Management and Budget, Washington, DC 20503.

Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. You may also email comments to *Danielle Y. Jones@omb.eop.gov* or comment by telephone at 202–395–1741.

Dated at Rockville, Maryland, this 15th day of September, 2014.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2014–22522 Filed 9–19–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

[Docket No. PRM–73–18; NRC–2014–0165]

Protection of Digital Computer and Communication Systems and Networks

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; docketing, and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a petition for rulemaking (PRM) from Anthony Pietrangelo, filed on behalf of the Nuclear Energy Institute (NEI or the petitioner) on June 12, 2014. The petitioner requests that the NRC revise its cyber security requirements to ensure that its regulations prevent radiological sabotage and adequately protect the public health and safety and common defense and security. The NRC is requesting public comment on the petition for rulemaking.

DATES: Submit comments by December 8, 2014. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- Federal rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0165. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Email comments to: *Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Robert Beall, Office of Nuclear Reactor Regulations, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3874, email: *Robert.Beall@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0165 when contacting the NRC about the availability of information for this petition for rulemaking. You may obtain publicly available information related to this action by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0165.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select *''ADAMS Public Documents''* and then select *''Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *pdr.resource@nrc.gov.* The Petition to Amend section 73.54 of Title 10 of the *Code of Federal* Regulations (10 CFR), ''Protection of Digital Computer and Communication Systems and Networks,'' is available in ADAMS under Accession No. ML14184B120.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0165 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in you comment submission. The NRC will post all comment

submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. The Petition

Anthony R. Pietrangelo, Vice President, and Chief Nuclear Officer, NEI, submitted a PRM dated June 12, 2014 (ADAMS Accession No. ML14184B120), requesting that the NRC revise its cyber security requirements. Specifically, the petitioner requests that the NRC revise 10 CFR 73.54(a) to ensure the regulation is not overly burdensome for NRC licensees, and adequately protects the public health and safety and common defense and security. The petitioner requests that the NRC promptly initiate rulemaking to resolve this matter. The NRC has determined that the petition meets the threshold sufficiency requirements for a petition for rulemaking under 10 CFR 2.802 ''Petition for rulemaking,'' and the petition has been docketed as PRM–73–18. The NRC is requesting public comment on the petition for rulemaking.

III. The Petitioner

The petition states that NEI ''is responsible for establishing a unified industry position on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues.'' The petition further states that ''NEI member companies are specifically affected by the NRC's cyber security regulations.'' The NEI claims it provides a ''principal interface between power reactor licensees and the NRC on matters of policy, including cyber security-related policy.''

IV. Discussion of the Petition

The petitioner states that power reactor licensees are required to establish and maintain a physical protection program to protect against the design basis threat of radiological sabotage, and summarizes the physical protection program and the attributes of the design basis threat of radiological sabotage described in 10 CFR 73.1, which include: (1) An external physical assault, (2) an internal threat, (3) a land vehicle bomb assault, (4) a waterborne vehicle bomb assault, and (5) a cyber attack. The petitioner asserts that to prevent radiological sabotage, licensees have well-established programs to identify the set of personnel systems, and equipment that must be protected against the design basis threat in order to prevent significant core damage and spent fuel sabotage.

The petitioner noted that NRC's cyber security requirements, found in 10 CFR 73.54, provide the programmatic requirements to defend against the design basis threat of radiological sabotage through a cyber attack, and that Section 73.54(a)(1) requires licensees to protect certain digital assets against cyber attack even though those digital assets, if compromised, would not adversely impact the systems and equipment necessary to prevent significant core damage and spent fuel sabotage. The petitioner asserts that the current regulations require NRC licensees to protect one set of systems and equipment against the effects of four of the attributes of the design basis threat (physical assault; internal threat; land vehicle bomb assault; waterborne vehicle bomb assault), and a substantially broader set of assets against the fifth design basis threat attribute, cyber attack. Further, the petitioner contends that this regulatory language is inconsistent with both the agency's intent in promulgating the cyber security requirements and the NRC's programmatic requirements to defend against other attributes of the radiological sabotage design basis threat.

The petitioner argues that the language in 10 CFR 73.54(a)(1) unnecessarily diverts NRC licensee attention and resources away from the protection of assets that have a nexus to radiological safety. The petitioner asserts that this provision burdens NRC reactor licensees without providing a commensurate enhancement in the protection of the public health and safety, or plant security. Furthermore, the petitioner claims that for digital assets that do not reasonably require protection against radiological sabotage, the considerable time, resources, and cost needed to protect them against cyber attack is unjustified. In this regard, the petitioner asserts that the current cyber security regulations fail to comply with the Commission's Principles of Good Regulation.

The petitioner states that the industry has brought to the attention of the NRC staff the significant problems created by the current scoping language in 10 CFR 73.54(a), and has determined that revisions to NRC regulations are needed to address this problem. The petitioner further states that implementing the revisions proposed herein will not adversely affect NRC licensees' ability to ensure that public health, safety, and security are being adequately protected.

NEI contends that the change proposed in its petition is the single most important near-term regulatory improvement that can be made in the area of cyber security. The petitioner claims that it would provide a substantial benefit to regulatory clarity and stability by assuring that licensees have protected those assets that, if compromised by a cyber attack, would be inimical to the health and safety of the public.

The complete text of the petition is available for review as described in Section I.A. of this document.

Because the petitioner has satisfied the docketing criteria in 10 CFR 2.802, ''Petition for rulemaking,'' the NRC has docketed this petition as PRM–73–18. The NRC is reviewing the issues raised by the petitioner to determine whether they should be considered in the NRC's rulemaking process.

Dated at Rockville, Maryland, this 15th day of September, 2014.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2014–22523 Filed 9–19–14; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0648; Directorate Identifier 2013–NM–136–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2010–06–04, for certain Airbus Model A300 B2–1C, B2–203, B2K–3C, B4–103, B4–203, B4–2C airplanes; Model A310 series airplanes; Model A300 B4–600 series airplanes; and Model A300 B4–600R series airplanes. AD 2010–06–04 currently requires repetitive inspections to detect cracks of the pylon side panels

(upper section) at rib 8; and corrective actions if necessary. Since we issued AD 2010–06–04, fleet survey and updated fatigue and damage tolerance analyses were done. We have determined that reduced compliance times are necessary. This proposed AD would continue to require repetitive inspections for cracking of the pylons 1 and 2 side panels (upper section) at rib 8 with reduced compliance times, and corrective actions if necessary. This proposed AD would also require repetitive post-repair and post-modification inspections and repair if necessary. This proposed AD would also remove certain airplanes having a certain modification from the applicability. We are proposing this AD to detect and correct cracking of pylon side panels (upper section) at rib 8, which could lead to reduced structural integrity of the pylon primary structure, which could cause detachment of the engine from the fuselage.

DATES: We must receive comments on this proposed AD by November 6, 2014.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0648; Directorate Identifier 2013–NM–136–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On March 4, 2010, we issued AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010); corrected May 4, 2010 (75 FR 23572). AD 2010–06–04 requires actions intended to address an unsafe condition on Airbus Model A300 B2–1C, B2–203, B2K–3C, B4–103, B4–203, B4–2C airplanes; Model A310 series airplanes; Model A300 B4–600 series airplanes; and Model A300 B4–600R series airplanes.

Since we issued AD 2010–06–04, fleet survey and updated fatigue and damage tolerance analyses were done. We have determined that reduced compliance times are necessary. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0136R1, dated July 30, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Cracks were found on pylon side panels (upper section) at rib 8 on Airbus A300, A310 and A300–600 aeroplanes equipped with General Electric engines. Investigation of these findings indicated that this problem was likely to also affect aeroplanes of this type design with other engine installations.

This condition, if not detected and corrected, could lead to reduced strength of the pylon primary structure, possibly resulting in pylon structural failure and in-flight loss of an engine.

Prompted by these findings, EASA issued AD 2008–0181 [*http://www.regulations.gov/#!documentDetail;D=FAA-2009-0789-0002*] [which corresponds to FAA AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010); corrected May 4, 2010 (75 FR 23572)] to require repetitive detailed visual inspections [of the pylon side panels (upper section) at rib 8] and, depending on aeroplane configuration and/or findings, the accomplishment of applicable corrective action(s).

Since that [EASA] AD was issued, a fleet survey and updated Fatigue and Damage Tolerance analyses have been performed in order to substantiate the second A300–600 Extended Service Goal (ESG2) exercise. The results of these analyses have shown that the risk for these aeroplanes is higher than initially determined and consequently, the threshold and interval must be reduced to allow timely detection of these cracks and the accomplishment of applicable correction action(s).

EASA issued AD 2013–0136 [*http://ad.easa.europa.eu/ad/2013-0136R1*] which retained the requirements of EASA AD 2008–0181, which was superseded, and required the inspections to be accomplished within reduced thresholds and intervals.

After publication of EASA AD 2013–0136, it appeared that Airbus Mod 03599 had no influence on the aeroplane configuration affected by this AD. At the same time Airbus Service Bulletin (SB) A300–54–6015 Revision 3 was not integrally taken into account as this revision no longer identifies configuration 3 aeroplanes.

For the reasons described above, EASA 2013–0136 is revised to exclude Airbus Mod 03599 from the applicability and to delete the reference to the configuration 3 for A300–600 aeroplanes.

Corrective actions include doing a repair. This proposed AD also provides an optional modification (installing a doubler), which would terminate the repetitive inspections. Required actions also include repetitive post-repair and post-modification inspections and repair if necessary.

Depending on airplane configuration: Initial compliance times range from 4,800 flight cycles or 24,100 flight hours, and 9,700 flight cycles or 19,400 flight hours. Initial post-modification and post-repair inspection compliance times range from 7,200 flight cycles or 36,400 flight hours, and 10,400 flight cycles or 50,800 flight hours, depending on inspection type. Repetitive intervals range from 2,600 flight cycles or 13,000 flight hours, and 6,700 flight cycles or 18,700 flight hours. You may examine

the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0648.

Relevant Service Information

Airbus has issued the Service Bulletins listed below. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

- Airbus Service Bulletin A300–54–0075, Revision 03, dated March 27, 2013.
- Airbus Service Bulletin A300–54–6015, Revision 03, dated April 11, 2013.
- Airbus Service Bulletin A310–54–2018, Revision 03, dated April 11, 2013.
- Airbus Service Bulletin A300–54–0081, dated August 11, 1993.
- Airbus Service Bulletin A300–54–6021, Revision 02, dated May 21, 2008.
- Airbus Service Bulletin A310–54–2024, dated August 11, 1993.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

Although the MCAI or service information allows further flight after cracks are found during compliance with the required actions of this proposed AD, this proposed AD would require that you repair any cracking before further flight.

Changes to This NPRM

Table 2, ''Service Bulletins,'' in AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010), has been converted to text in paragraph (g)(9) of this AD.

Table 3, ''Previous Service Information,'' in AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010), has been converted to text in paragraph (m)(1) of this AD.

Costs of Compliance

We estimate that this proposed AD affects 156 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection [retained actions from AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010); corrected May 4, 2010 (75 FR 23572)].	4 work-hours × $85 per hour = $340.	$0	$340	$53,040.
Inspection [new proposed actions]	24 work-hours × $85 per hour = $2,040 per inspection cycle.	0	$2,040 per inspection cycle.	$318,240 per inspection cycle.

We estimate the following costs to do any necessary repairs that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	58 work-hours × $85 per hour = $4,930	$3,910	$8,840.
Optional Modification	Up to 48 work-hours × $85 per hour = $4,080	Up to $1,026	Up to $5,106.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing Airworthiness Directive (AD) 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010); corrected May 4, 2010 (75 FR 23572), and adding the following new AD:

Airbus: Docket No. FAA–2014–0648; Directorate Identifier 2013–NM–136–AD.

(a) Comments Due Date

We must receive comments by November 6, 2014.

(b) Affected ADs

This AD replaces AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010); corrected May 4, 2010 (75 FR 23572).

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category.

(1) Airbus Model A300 B2–1C, B2–203, B2K–3C, B4–103, B4–203, and B4–2C airplanes, on which Airbus Modification 02434 has been embodied in production.

(2) Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes, except those on which Airbus Modification 10432 has been embodied in production.

(3) Airbus Model A300 B4–601, B4–603, B4–605R, B4–620, B4–622, and B4–622R airplanes, except those on which Airbus Modification 10432 has been embodied in production.

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/Pylons.

(e) Reason

This AD was prompted by reports of cracks found on pylon side panels at rib 8 and a fleet survey and updated fatigue and damage tolerance analyses. We are issuing this AD to detect and correct cracking of pylon side panels (upper section) at rib 8, which could lead to reduced structural integrity of the pylon primary structure, which could cause detachment of the engine from the fuselage.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Actions and Compliance With Revised Service Information

This paragraph restates the requirements of paragraph (f) of AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010); corrected May 4, 2010 (75 FR 23572), with revised service information. Accomplishing the initial inspection required by paragraph (h) of this AD terminates the requirements of this paragraph.

(1) For Configuration 01 airplanes as identified in the applicable service bulletin identified in paragraph (g)(9) of this AD: At the applicable time specified in table 1 to paragraph (g) of this AD, except as required by paragraphs (g)(2) and (g)(3) of this AD, perform a detailed visual inspection of the pylons 1 and 2 side panels (upper section) at rib 8, in accordance with paragraph 3.B. of the Accomplishment Instructions of the applicable service bulletin identified in paragraph (g)(9)(i) through (g)(9)(iii) of this AD or paragraphs (k)(1), (k)(2), or (k)(3) of this AD. Repeat the inspection at the time specified in table 1 to paragraph (g) of this AD.

TABLE 1—TO PARAGRAPH (G) OF THIS AD—COMPLIANCE TIMES FOR CONFIGURATION 1 AIRPLANES

For Model—	That have accumulated—	Inspect before the accumulation of—	Or within—	And repeat the inspection at intervals not to exceed—
		Whichever occurs later		
A300 B2–1C, B2–203, and B2K–3C airplanes.	≤17,500 total flight cycles [1]	5,350 total flight cycles	2,500 flight cycles [2]	4,300 flight cycles.
A300 B2–1C, B2–203, and B2K–3C airplanes.	>17,500 total flight cycles [1]	20,000 total flight cycles or 40,000 total flight hours, whichever occurs first.	250 flight cycles [2]	4,300 flight cycles.
A300 B4–103, B4–203, and B4–2C airplanes.	≤18,000 total flight cycles [1]	5,350 total flight cycles	2,000 flight cycles [2]	4,300 flight cycles.
A300 B4–103, B4–203, and B4–2C airplanes.	>18,000 total flight cycles [1]	20,000 total flight cycles or 40,000 total flight hours, whichever occurs first.	250 flight cycles [2]	4,300 flight cycles.
A300 B4–601, B4–603, B4–605R, B4–620, B4–622, and B4–622R airplanes.	≤18,000 total flight cycles [1]	4,200 total flight cycles	2,000 flight cycles [2]	3,600 flight cycles.
A300 B4–601, B4–603, B4–605R, B4–620, B4–622, and B4–622R airplanes.	>18,000 total flight cycles [1]	20,000 total flight cycles or 40,000 total flight hours, whichever occurs first.	250 flight cycles [2]	3,600 flight cycles.
A310–200 airplanes with GE CF6–80A3 or Pratt & Whitney engines.	≤18,000 total flight cycles [1]	9,700 total flight cycles or 19,400 total flight hours, whichever occurs first.	1,500 flight cycles [2]	6,700 flight cycles or 13,400 flight hours, whichever occurs first.
A310–200 airplanes with GE CF6–80A3 or Pratt & Whitney engines.	>18,000 total flight cycles [1]	19,500 total flight cycles or 55,500 total flight hours, whichever occurs first.	250 flight cycles [2]	6,700 flight cycles or 13,400 flight hours, whichever occurs first.
A310–200 airplanes with GE CF6–80C2 engines.	≤18,000 total flight cycles [1]	7,800 total flight cycles or 15,600 total flight hours, whichever occurs first.	1,500 flight cycles [2]	5,800 flight cycles or 11,600 flight hours, whichever occurs first.
A310–200 airplanes with GE CF6–80C2 engines.	>18,000 total flight cycles [1]	19,500 total flight cycles or 55,500 total flight hours, whichever occurs first.	250 flight cycles [2]	5,800 flight cycles or 11,600 flight hours, whichever occurs first.
A310–300 SR [3] airplanes with Pratt & Whitney JT9D engines.	≤18,000 total flight cycles [1]	8,600 total flight cycles or 24,000 total flight hours, whichever occurs first.	1,500 flight cycles [2]	6,700 flight cycles or 18,700 flight hours, whichever occurs first.

TABLE 1—TO PARAGRAPH (G) OF THIS AD—COMPLIANCE TIMES FOR CONFIGURATION 1 AIRPLANES—Continued

A310–300 SR[3] airplanes with Pratt & Whitney JT9D engines.	>18,000 total flight cycles[1]	19,500 total flight cycles or 55,500 total flight hours, whichever occurs first.	250 flight cycles[2]	6,700 flight cycles or 18,700 flight hours, whichever occurs first.
A310–300 SR[3] airplanes with GE engines.	≤18,000 total flight cycles[1]	7,000 total flight cycles or 19,600 total flight hours, whichever occurs first.	1,500 flight cycles[2]	5,700 flight cycles or 15,900 flight hours, whichever occurs first.
A310–300 SR[3] airplanes with GE engines.	>18,000 total flight cycles[1]	19,500 total flight cycles or 55,500 total flight hours, whichever occurs first.	250 flight cycles[2]	5,700 flight cycles or 15,900 flight hours, whichever occurs first.
A310–300 SR[3] airplanes with Pratt & Whitney 4000 engines.	≤18,000 total flight cycles[1]	7,000 total flight cycles or 19,600 total flight hours, whichever occurs first.	1,500 flight cycles[2]	5,800 flight cycles or 16,200 flight hours, whichever occurs first.
A310–300 SR[3] airplanes with Pratt & Whitney 4000 engines.	>18,000 total flight cycles[1]	19,500 total flight cycles or 55,500 total flight hours, whichever occurs first.	250 flight cycles[2]	5,800 flight cycles or 16,200 flight hours, whichever occurs first.
A310–300 LR[4] airplanes with Pratt & Whitney JT9D engines.	≤18,000 total flight cycles[1]	5,900 total flight cycles or 29,500 total flight hours, whichever occurs first.	1,500 flight cycles[2]	6,000 flight cycles or 30,300 flight hours, whichever occurs first.
A310–300 LR[4] airplanes with Pratt & Whitney JT9D engines.	>18,000 total flight cycles[1]	19,500 total flight cycles or 55,500 total flight hours, whichever occurs first.	250 flight cycles[2]	6,000 flight cycles or 30,300 flight hours, whichever occurs first.
A310–300 LR[4] airplanes with GE engines.	≤18,000 total flight cycles[1]	4,800 total flight cycles or 24,100 total flight hours, whichever occurs first.	1,500 flight cycles[2]	5,100 flight cycles or 25,500 flight hours, whichever occurs first.
A310–300 LR[4] airplanes with GE engines.	>18,000 total flight cycles[1]	19,500 total flight cycles or 55,500 total flight hours, whichever occurs first.	250 flight cycles[2]	5,100 flight cycles or 25,500 flight hours, whichever occurs first.
A310–300 LR[4] airplanes with Pratt & Whitney 4000 engines.	≤18,000 total flight cycles[1]	4,800 total flight cycles or 24,000 total flight hours, whichever occurs first.	1,500 flight cycles[2]	5,200 flight cycles or 26,300 flight hours, whichever occurs first.
A310–300 LR[4] airplanes with Pratt & Whitney 4000 engines.	>18,000 total flight cycles[1]	19,500 total flight cycles or 55,500 total flight hours, whichever occurs first.	250 flight cycles[2]	5,200 flight cycles or 26,300 flight hours, whichever occurs first.

[1] As of April 15, 2010 (the effective date of AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010)).
[2] After April 15, 2010 (the effective date of AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010)).
[3] "SR" applies to airplanes with average flights less than 4 flight hours.
[4] "LR" refers to airplanes with average flights of 4 or more flight hours.

(2) For Model A300 and A300–600 airplanes that have accumulated more than 40,000 total flight hours as of April 15, 2010 (the effective date of AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010)): Within 250 flight cycles after April 15, 2010, do the actions specified in paragraph (g)(1) of this AD.

(3) For Model A310 airplanes that have accumulated more than 55,500 total flight hours as of April 15, 2010 (the effective date of AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010)): Within 250 flight cycles after April 15, 2010, do the actions specified in paragraph (g)(1) of this AD.

(4) For Configuration 01 airplanes, as identified in the applicable service bulletin identified in paragraph (g)(9) of this AD: If a crack is found during any inspection required by paragraph (g)(1) of this AD, before further flight, install a doubler, in accordance with paragraph 3.C. of the Accomplishment Instructions of the applicable service bulletin identified in paragraph (g)(9) of this AD.

(5) For Configuration 02 airplanes, as identified in the applicable service bulletin identified in paragraph (g)(9) of this AD: At the applicable time specified in paragraph 1.E.(2) of the applicable service bulletin identified in paragraphs (g)(9)(i) through (g)(9)(iii) of this AD, or within 250 flight cycles after April 15, 2010 (the effective date of AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010)), whichever occurs later, perform a detailed visual inspection of the pylons 1 and 2 side panels (upper section) at rib 8, in accordance with paragraph 3.B. of the Accomplishment Instructions of the applicable service bulletin identified in paragraph (g)(9) of this AD.

(6) For Configuration 03 airplanes, as identified in the applicable service bulletin identified in paragraph (g)(9) of this AD: At the applicable time specified in paragraph 1.E.(2) of the applicable service bulletin identified in paragraphs (g)(9)(i) through (g)(9)(iii) of this AD, or within 250 flight cycles after April 15, 2010 (the effective date of AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010)), whichever occurs later, perform a detailed visual inspection, and a high frequency eddy current inspection as applicable, of the pylons 1 and 2 side panels (upper section) at rib 8, in accordance with paragraph 3.B. of the Accomplishment Instructions of the applicable service bulletin identified in paragraph (g)(9) of this AD.

(7) For Configuration 02 and 03 airplanes, as identified in the applicable service bulletin identified in paragraph (g)(9) of this AD: If a crack is found during any inspection required by paragraph (g)(1), (g)(5), or (g)(6) of this AD, before further flight, repair in accordance with paragraph 3.C. of the Accomplishment Instructions of the applicable service bulletin identified in paragraph (g)(9) of this AD.

(8) For all airplanes, except those in Configuration 01, as identified in the applicable service bulletin identified in paragraph (g)(9) of this AD: Repeat the inspection specified in paragraph (g)(1), (g)(5), or (g)(6) of this AD, as applicable, at the intervals specified in paragraph 1.E.(2) of the applicable service bulletin identified in paragraph (g)(9)(i) through (g)(9)(iii) of this AD.

(9) For the actions specified in paragraph (g) of this AD, use the applicable service bulletin identified in paragraphs (g)(9)(i) through (g)(9)(iii) of this AD, or paragraph (k)(1), (k)(2), or (k)(3) of this AD.

(i) Airbus Mandatory Service Bulletin A300–54–0075, excluding Appendices 1, 2, and 3, Revision 02, dated June 26, 2008 (For Model A300 B2–1C, B2–203, B2K–3C, B4–103, B4–203, and B4–2C airplanes).

(ii) Airbus Mandatory Service Bulletin A300–54–6015, excluding Appendices 1, 2, and 3, Revision 02, dated June 26, 2008 (For Model A300 B4–601, B4–603, B4–605R, B4–620, B4–622, and B4–622R airplanes).

(iii) Airbus Mandatory Service Bulletin A310–54–2018, excluding Appendices 1, 2, and 3, Revision 02, dated June 26, 2008 (for Model A310 series airplanes).

(h) New Repetitive Inspections and Repair

Except as required by paragraphs (l)(1) and (l)(2) of this AD, at the applicable times specified in paragraph 1.E., "Compliance," of the applicable service bulletin identified in

paragraph (k) of this AD: Do a detailed inspection for cracking of the pylons 1 and 2 side panels (upper section) at rib 8, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in paragraph (k) of this AD. Accomplishing the inspection required by this paragraph terminates the requirements of paragraph (g)(1) through (g)(9) of this AD.

(1) If any cracking is found, before further flight, do a high frequency eddy current (HFEC) inspection to confirm the crack, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in paragraph (k) of this AD.

(i) If any crack indication is confirmed during the HFEC inspection specified in paragraph (h)(1) of this AD, and the crack is less than 20 mm, before further flight, repair, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in paragraph (k) of this AD.

(ii) If any crack indication is confirmed during the HFEC inspection specified in paragraph (h)(1) of this AD and the crack is greater than or equal to 20 mm, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(2) If no cracking is found, or if crack indication is not confirmed during the HFEC inspection required by paragraph (h)(1) of this AD, at the applicable interval specified in paragraph 1.E., ''Compliance,'' of the applicable service bulletin identified in paragraph (k) of this AD, repeat the inspection specified in paragraph (h) of this AD, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in paragraph (k) of this AD until the modification specified in paragraph (i) is done.

(i) Optional Modification

Modifying by installing a doubler on the left hand (LH) pylon 1 and right hand (RH) pylon 2, on pylon side panels (upper section), at rib 8, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–54–0081, dated August 11, 1993; A310–54–2024, dated August 11, 1993; or A300–54–6021, Revision 02, dated May 21, 2008; as applicable, terminates the repetitive inspections specified in paragraph (h)(2) of this AD.

(j) Post-Modification and Post-Repair Repetitive Inspections and Corrective Actions

For airplanes on which the modification has been done as specified in paragraph (i) of this AD, and airplanes on which the repair has been done as specified in paragraph (h) of this AD: At the applicable compliance time specified in paragraph 1.E., Compliance,'' of the applicable service bulletin identified in paragraph (k) of this AD, do the post-modification and post-repair detailed inspections for cracking, as applicable, of the LH and RH side panels of pylons 1 and 2, in accordance with the applicable service bulletins identified in paragraph (k) of this AD. Repeat the inspections thereafter at the times specified in paragraph 1.E., ''Compliance'' of the applicable service bulletin specified in paragraph (k) of this AD. If any cracking is found, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA Design Organization Approval (DOA). This repair is not a terminating action for the repetitive inspections required by this paragraph.

(k) New Service Information

Use the applicable service bulletin identified in paragraphs (k)(1) through (k)(3) of this AD to accomplish the inspections required by paragraphs (h) and (j) of this AD.

(1) Airbus Mandatory Service Bulletin A300–54–0075, Revision 03, dated March 27, 2013 (for Model A300 B2–1C, B2–203, B2K–3C, B4–103, B4–203, and B4–2C airplanes).

(2) Airbus Mandatory Service Bulletin A310–54–2018, Revision 03, dated April 11, 2013 (for Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes).

(3) Airbus Mandatory Service Bulletin A300–54–6015, Revision 03, dated April 11, 2013 (for Model A300 B4–601, B4–603, B4–605R, B4–620, B4–622, and B4–622R airplanes).

(l) Exceptions

(1) Where the compliance time column in the tables in paragraph 1.E., ''Compliance,'' of the applicable service bulletin identified in paragraph (k) of this AD specifies a ''threshold'' in FC or FH, and does not specify from repair or service bulletin embodiment, those compliance times are total flight cycles and total flight hours.

(2) Where the tables in paragraph 1.E., ''Compliance,'' of the applicable service bulletin specified in paragraph (k) of this AD specifies ''grace period after the receipt of the service bulletin,'' this AD requires compliance within the corresponding compliance time after the effective date of this AD.

(m) Credit for Previous Actions

(1) This paragraph restates the credit provided by paragraph (f)(9) of AD 2010–06–04, Amendment 39–16228 (75 FR 11428, March 11, 2010) with no changes. This paragraph provides credit for initial inspections required by paragraph (g) of this AD, if those actions were performed prior to April 15, 2010 (the effective date of AD 2010–06–04) using the applicable service bulletins specified in paragraphs (m)(1)(i) through (m)(1)(vi) of this AD, which are not incorporated by reference in this AD.

(i) Airbus Service Bulletin A300–54–0075, dated August 11, 1993.

(ii) Airbus Service Bulletin A300–54–0075, Revision 01, dated November 9, 2007.

(iii) Airbus Service Bulletin A300–54–6015, dated August 11, 1993.

(iv) Airbus Service Bulletin A300–54–6015, Revision 01, dated November 9, 2007.

(v) Airbus Service Bulletin A310–54–2018, dated August 11, 1993.

(vi) Airbus Service Bulletin A310–54–2018, Revision 01, dated November 16, 2007.

(2) This paragraph provides credit for initial inspections required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using the applicable service bulletins specified in paragraphs (m)(2)(i) through (m)(2)(vi) of this AD.

(i) Airbus Service Bulletin A300–54–0075, dated August 11, 1993, which is not incorporated by reference in this AD.

(ii) Airbus Service Bulletin A300–54–0075, Revision 01, dated November 9, 2007, which is not incorporated by reference in this AD.

(iii) Airbus Service Bulletin A300–54–0075, Revision 02, dated June 26, 2008, which is incorporated by reference in this AD.

(iv) Airbus Service Bulletin A300–54–6015, dated August 11, 1993, which is not incorporated by reference in this AD.

(v) Airbus Service Bulletin A300–54–6015, Revision 01, dated November 9, 2007, which is not incorporated by reference in this AD.

(vi) Airbus Service Bulletin A300–54–6015, Revision 02, dated June 26, 2008, which is incorporated by reference in this AD.

(vii) Airbus Service Bulletin A310–54–2018, dated August 11, 1993, which is not incorporated by reference in this AD.

(viii) Airbus Service Bulletin A310–54–2018, Revision 01, dated November 16, 2007, which is not incorporated by reference in this AD.

(ix) Airbus Service Bulletin A310–54–2018, Revision 02, dated June 26, 2008, which is incorporated by reference in this AD.

(3) This paragraph provides credit for initial inspections required by paragraph (i) of this AD, if those actions were performed before the effective date of this AD using the applicable service bulletins specified in paragraphs (m)(3)(i) and (m)(3)(ii) of this AD.

(i) Airbus Service Bulletin A300–54–6021, dated August 11, 1993.

(ii) Airbus Service Bulletin A300–54–6021, Revision 01, dated November 16, 2007.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously for AD 2010–06–04, Amendment 39–16228 (75 FR

11428, March 11, 2010); corrected May 4, 2010 (75 FR 23572); are approved as AMOCs for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0136R1, dated July 30, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0648.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on September 12, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–22467 Filed 9–19–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 890

[Docket No. FDA–2000–N–0158]

Reclassification of Iontophoresis Devices Intended for Any Other Purposes

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed order.

SUMMARY: The Food and Drug Administration (FDA) is proposing to reclassify iontophoresis devices intended for any other purposes, a preamendments class III device, into class II (special controls), and to amend the device identification. FDA is proposing this reclassification on its own initiative based on new information. This action implements certain statutory requirements.

DATES: Submit either electronic or written comments by December 22, 2014. See section XII for the proposed effective date of a final order based on this proposed order.

ADDRESSES: You may submit comments by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Written Submissions

Submit written submissions in the following ways:

- *Mail/Hand delivery/Courier (for paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Docket No. (FDA–2000–N–0158) for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Michael Ryan, Center for Devices and Radiological Health, Food and Drug Administration,10903 New Hampshire Ave., Bldg. 66, Rm. 1615, Silver Spring, MD 20993–0002, 301–796–6283.

SUPPLEMENTARY INFORMATION:

I. Background—Regulatory Authorities

The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Pub. L. 94–295), the Safe Medical Devices Act of 1990 (Pub. L. 101–629), the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115), the Medical Device User Fee and Modernization Act of 2002 (Pub. L. 107–250), the Medical Devices Technical Corrections Act (Pub. L. 108–214), the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85), and the Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112–144), among other amendments, established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act (21 U.S.C. 360c) established three categories (classes) of devices, reflecting the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Section 513(a)(1) of the FD&C Act defines class II devices as those devices for which the general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but for which there is sufficient information to establish special controls to provide such assurance.

Under section 513 of the FD&C Act, devices that were in commercial distribution before the enactment of the 1976 amendments, May 28, 1976 (generally referred to as preamendments devices), are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976 (generally referred to as postamendments devices) are automatically classified by section 513(f) of the FD&C Act into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval unless, and until, the device is reclassified into class I or II or FDA issues an administrative order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

On July 9, 2012, FDASIA was enacted. Section 608(a) of FDASIA amended section 513(e) of the FD&C Act, changing the process for reclassifying a device from rulemaking to an administrative order. Section 513(e) of the FD&C Act governs reclassification of classified preamendments devices. This

section provides that FDA may, by administrative order, reclassify a device based upon ''new information.'' FDA can initiate a reclassification under section 513(e) of the FD&C Act or an interested person may petition FDA to reclassify a preamendments device. The term ''new information,'' as used in section 513(e) of the FD&C Act, includes information developed as a result of a reevaluation of the data before the Agency when the device was originally classified, as well as information not presented, not available, or not developed at that time. (See, e.g., *Holland Rantos* v. *United States Department of Health, Education, and Welfare,* 587 F.2d 1173, 1174 n.1 (D.C. Cir. 1978); *Upjohn* v. *Finch,* 422 F.2d 944 (6th Cir. 1970); *Bell* v. *Goddard,* 366 F.2d 177 (7th Cir. 1966).)

Reevaluation of the data previously before the Agency is an appropriate basis for subsequent regulatory action where the reevaluation is made in light of newly available regulatory authority (see *Bell* v. *Goddard,* supra, 366 F.2d at 181; *Ethicon, Inc.* v. *FDA,* 762 F.Supp. 382, 389–391 (D.D.C. 1991)) or in light of changes in ''medical science'' (see *Upjohn* v. *Finch,* supra, 422 F.2d at 951). Whether data before the Agency are past or new data, the ''new information'' to support reclassification under section 513(e) must be ''valid scientific evidence,'' as defined in 21 CFR 860.7(c)(2). (See, e.g., *General Medical Co.* v. *FDA,* 770 F.2d 214 (D.C. Cir. 1985); *Contact Lens Mfrs. Assoc.* v. *FDA,* 766 F.2d 592 (D.C. Cir.), cert. denied, 474 U.S. 1062 (1986).)

FDA relies upon ''valid scientific evidence'' in the classification process to determine the level of regulation for devices. To be considered in the reclassification process, the valid scientific evidence upon which the Agency relies must be publicly available. Publicly available information excludes trade secret and/or confidential commercial information, e.g., the contents of a pending premarket approval application (PMA). (See section 520(c) of the FD&C Act (21 U.S.C. 360j(c)).)

Section 513(e)(1) of the FD&C Act sets forth the process for issuing a final reclassification order. Specifically, prior to the issuance of a final order reclassifying a device, the following must occur: (1) Publication of a proposed reclassification order in the **Federal Register**; (2) a meeting of a device classification panel described in section 513(b) of the FD&C Act; and (3) consideration of comments to a public docket.

In accordance with section 513(e)(1) of the FD&C Act, the Agency is proposing, based on new information that has come to the Agency's attention, to reclassify iontophoresis devices intended for any other purposes because general controls and special controls are sufficient to provide a reasonable assurance of safety and effectiveness. Therefore, this order proposes to reclassify iontophoresis devices intended for any other purposes into class II (special controls) and to amend the device identification.

Section 510(m) of the FD&C Act provides that a class II device may be exempted from the premarket notification requirements under section 510(k) of the FD&C Act, if the Agency determines that premarket notification is not necessary to assure the safety and effectiveness of the device. FDA has determined that premarket notification is necessary to assure the safety and effectiveness of iontophoresis devices intended for any other purposes.

II. Regulatory History of the Device

On August 28, 1979, FDA published a proposed rule for classification of all iontophoresis devices in the **Federal Register** (44 FR 50520). This proposed classification was based on recommendations made during three panel meetings in 1978, of the Physical Medicine Panel; the Ear, Nose, and Throat Panel; and the Dental Products Panel. The 1979 rule proposed that iontophoresis devices should have a split classification; iontophoresis devices intended for diagnosis of cystic fibrosis, anesthetizing the intact tympanic membrane, and dental application of fluoride to the teeth would be class II, and iontophoresis devices intended for any other purposes would be class III. A second meeting of the Physical Medicine Panel in 1979 (the 1979 Panel) agreed with FDA's proposed rule, finding insufficient evidence of safety and effectiveness of iontophoresis except in the uses proposed for class II regulation. The 1979 Panel recommended that iontophoresis devices for general drug delivery and hyperhidrosis be classified in class III.

The Agency agreed with the 1979 Panel that insufficient information existed to determine that general controls would provide reasonable assurance of the safety and effectiveness and that insufficient information existed to establish a performance standard to provide this assurance when the device was used for any purpose other than the three uses proposed for class II regulation. However, FDA also regulates drugs for safety and effectiveness and, at the time, the Agency was unaware of any drug that had labeling providing adequate directions for its use with an iontophoresis device for the dental application of fluoride or the anesthetizing of the intact tympanic membrane. Therefore, in order to prevent conflicting regulatory requirements between the Center for Devices and Radiological Health (CDRH) and the Center for Drug Evaluation and Research (CDER), CDRH determined that iontophoresis devices for the dental application of fluoride or the anesthetizing of the intact tympanic membrane should be classified into class III.

On November 23, 1983, FDA published a final rule in the **Federal Register** classifying iontophoresis devices with a split classification (48 FR 53032 at 53045). The final rule revised the information that had been presented in the proposed rule to omit the dental application of fluoride and anesthetizing the intact tympanic membrane from the class II uses. The rule classified iontophoresis devices into class II when intended to induce sweating for use in the diagnosis of cystic fibrosis or for other uses if the labeling of the drug intended for use with the device bears adequate directions for the device's use with that drug (§ 890.5525(a) (21 CFR 890.5525(a)). The rule classified iontophoresis devices into class III when intended for any other purposes (§ 890.5525(b)), but did not establish an effective date of requirement for premarket approval.

On August 22, 2000, FDA published a proposed rule in the **Federal Register** (65 FR 50949) (the August 2000 proposed rule) to amend the iontophoresis regulation to remove paragraph (b), the class III identification, such that only paragraph (a) of the regulation, the class II identification, would remain. In this rule, FDA stated that it believed it had made an error in the original classification and that there were no iontophoresis devices on the market prior to the Medical Device Amendments of 1976 (preamendments devices) that met the class III identification. Although several devices had been cleared under this regulation between 1976 and the publication of the proposed rule, FDA believed that those devices could meet the definition of a class II iontophoresis device with modifications to their labeling. Any device that could not meet the class II definition (i.e., for any other use than the diagnosis of cystic fibrosis or with a specific drug approved for iontophoretic delivery) would require submission of a PMA.

FDA received seven comments in response to the August 2000 proposed

rule (see Docket No. FDA–2000–N–0158). Several comments disagreed with FDA's assertion that no class III preamendments iontophoresis devices existed. Two comments asserted that the assumption that there are differences between different iontophoresis devices that would warrant linking a particular device to a particular drug is in error, and suggested that FDA should consider reclassification of iontophoresis devices into either class I or class II as drug delivery systems comparable to syringes and pumps. In contrast, another comment rejected what it perceived as the implication that all iontophoresis drug delivery systems were the same and that any iontophoresis device could be relabeled to reference any drug approved for iontophoretic administration, whether or not the drug had actually been tested for use with that particular device.

As a result of these comments, FDA withdrew the August 2000 proposed rule on November 4, 2004 (69 FR 64266). In the same issue of the **Federal Register**, FDA also published a notice of its intent to initiate a proceeding to reclassify class III iontophoresis devices intended for any other purposes into class II (special controls) (69 FR 64313).

In 2009, FDA published an order in the **Federal Register** under section 515(i) of the FD&C Act (21 U.S.C. 360e(i)) to call for information on the remaining class III 510(k) devices (74 FR 16214, April 9, 2009). FDA received 10 submissions regarding iontophoresis devices in response to that order (see Docket No. FDA–2009–M–0101). One response stated that the company was only a repackager/relabeler of the device and did not have a recommended classification or information on safety and effectiveness. The remaining nine responses were all from manufactures of iontophoresis devices. Eight of the manufacturers recommended that the devices be reclassified into class II with special controls. The other manufacturer provided only safety and effectiveness information and did not recommend a classification. The risks to health identified by the manufacturers are included as part of the discussion in section V.

On February 21, 2014, FDA held a classification panel meeting of the Orthopaedic and Rehabilitation Devices Panel (the 2014 Panel) in accordance with section 513(b) of the FD&C Act to discuss the reclassification of iontophoresis devices intended for any other purposes (Ref. 1). This device classification panel meeting discussed the relevant data and information described in this order, the risks to health for iontophoresis devices intended for any other purposes, whether they should be reclassified or remain in class III, and possible special controls for these devices if reclassified into class II. The Panel believed that iontophoresis devices intended for any other purposes present a potential unreasonable risk of illness or injury and recommended that general controls alone are not sufficient to ensure the safety and effectiveness of these devices. In deliberating whether sufficient information exists to establish special controls for these devices, the Panel voiced significant concerns over possible systemic effects that might be produced by some drugs, particularly fentanyl, or by misuse of drugs. The Panel consensus was that if this issue could be addressed, sufficient information exists to establish special controls for these devices that would mitigate the risks to health identified by FDA and the Panel, and that special controls, in combination with general controls, could provide a reasonable assurance of safety and effectiveness and these devices could be classified in class II.

In order to address the Panel's concerns regarding systemic effects of the delivered drug, FDA is proposing to amend the identification of iontophoresis devices intended for any other purposes to clarify that devices intended to deliver specific drugs that may have adverse systemic effects, like fentanyl, are not considered part of this regulatory classification, and that only iontophoresis devices not labeled for use with a specific drug, or labeled for use with a non-drug solution, are included. An iontophoresis device intended to deliver a specific drug with systemic effects, such as fentanyl, would be regulated as a combination product in CDER under section 503(g) of the FD&C Act (21 U.S.C. 353(g)) and § 3.2(e) (21 CFR 3.2(e)) or under § 890.5525(a)) (the iontophoresis regulation). FDA believes this will also help clarify the difference between the two regulatory subsets of iontophoresis devices. In addition, FDA is proposing a special control that will require iontophoresis device manufacturers to include labeling warnings regarding adverse systemic effects.

III. Device Description

Iontophoresis is a noninvasive transdermal delivery method in which a substance bearing a charge is propelled through the skin by an electric current. Iontophoresis devices generally consist of a controller, active and return electrode(s), and a power supply used to deliver currents to transport drugs, soluble salts, ionic solutions, or other drugs into the body for medical purposes as an alternative to hypodermic injections. Iontophoresis systems consist of the iontophoresis device and the drug or other solution to be administered. If the system is marketed as a complete product that includes both a device and drug component, then it would be regulated as a drug-device combination product (see § 3.2(e)), and CDER would have the lead jurisdictional authority because the primary mode of action of the combination product is attributable to the drug component (see § 3.2(m) and 21 CFR 3.4(a)). Alternatively, if the device component is marketed separately from a drug, or as a complete system with a non-drug solution, then it would be regulated as a medical device by CDRH.

The iontophoresis classification regulation is split into two parts, as described previously. Iontophoresis devices intended for use in the diagnosis of cystic fibrosis or for use with a specific drug that has been approved for delivery by iontophoresis are class II devices regulated under § 890.5525(a). These devices are not the subject of this proposed order. Iontophoresis devices intended for any other purposes are currently class III devices regulated under § 890.5525(b). ''Any other purposes'' means that these devices are not intended for use in the diagnosis of cystic fibrosis and not indicated for use with a specific drug; that is, these devices are intended for general iontophoretic delivery of drugs that are approved for that route of administration. This device subset also includes devices indicated for use with specific non-drug solutions, such as tap water (e.g., for treatment of hyperhidrosis). FDA is proposing in this order to reclassify iontophoresis devices intended for any other purposes from class III to class II. FDA is also proposing in this order to amend the device identification in order to clarify the difference between the two subsets of iontophoresis devices in § 890.5525, to emphasize that iontophoresis devices intended and labeled for use with specific drugs are regulated under § 890.5525(a), and to clarify that these are prescription devices in accordance with § 801.109 (21 CFR 801.109).

IV. Proposed Reclassification

FDA is proposing that iontophoresis devices intended for any other purposes be reclassified from class III to class II (special controls). FDA is also proposing, in response to the concerns voiced by the 2014 Orthopaedic and Rehabilitation Devices Classification Panel regarding adverse systemic effects of drug delivery via iontophoresis

devices, to amend the identification of these devices to clarify that iontophoresis devices intended for any other purposes do not include devices labeled for use with specific drugs. In this proposed order, the Agency has identified special controls under section 513(a)(1)(B) of the FD&C Act that, if finalized, together with general controls (including prescription use restrictions) applicable to the devices, would provide reasonable assurance of their safety and effectiveness. Absent the special controls identified in this proposed order, general controls applicable to the device are insufficient to provide reasonable assurance of the safety and effectiveness of the device. FDA believes that iontophoresis devices may benefit patients by improving the noninvasive transdermal delivery of drugs or other solutions intended to treat various medical ailments or issues.

Therefore, in accordance with sections 513(e) and 515(i) of the FD&C Act and § 860.130 (21 CFR 860.130), based on new information with respect to the devices and taking into account the public health benefit of the use of the device and the nature and known incidence of the risks of the device, FDA, on its own initiative, is proposing to reclassify this preamendments class III device into class II. FDA believes that this new information is sufficient to demonstrate that the proposed special controls can effectively mitigate the risks to health identified in section V, and that these special controls, together with general controls (including prescription use restrictions), will provide a reasonable assurance of safety and effectiveness for iontophoresis devices intended for any other purposes.

Section 510(m) of the FD&C Act authorizes the Agency to exempt class II devices from premarket notification (510(k)) requirements. FDA has considered iontophoresis devices intended for any other purposes and has determined that the device does require premarket notification (510(k)). Therefore, the Agency does not intend to exempt this proposed class II device from premarket notification (510(k)) submission requirements as provided for under section 510(m) of the FD&C Act.

V. Risks to Health

After considering available information, including a comprehensive review of relevant literature and the recommendations of the 2014 Orthopaedic and Rehabilitation Devices Classification Panel (Ref. 1), FDA has determined that the following risks to health are associated with the use of iontophoresis devices intended for any other purposes.

- *Electric shock:* Electrical shock hazards may pose a hazard to both operators and users. Excessive leakage current from the device could result in injury, or a malfunction of the device could result in electrical shock. Possible adverse events include cardiac events such as arrhythmias and cardiac arrest.
- *Burns:* Patient or user burns could result from a large electrical current density or a highly acidic solution.
- *Insufficient or excessive delivery of drug or solution:* Device malfunction (such as inaccurate current measurement), use error, or inadequate information on the drug or solution being used may result in inappropriate drug or solution delivery.
- *Interference with other medical devices:* Electromagnetic interference could interfere with other devices in the treatment environment, such as pacemakers implanted in either the patient or user.
- *Adverse tissue reactions:* Device materials that are not biocompatible may either directly or through the release of their material constituents or through a reaction with the ionic solution: (1) Produce adverse local or systemic effects such as contact dermatitis and scarring, (2) be carcinogenic, or (3) produce adverse reproductive and developmental effects. Although medical devices may have myriad biocompatibility issues, the biocompatibility concerns from iontophoresis devices are likely limited to skin reactions.
- *Infection:* Infection can occur from use of a non-sterile iontophoresis device, or from improper device design or use error. This risk is particularly relevant for devices used in the ear.
- *Ear Trauma (when used in the ear):* Use error or improper device design can lead to ear trauma, when used in the ear. This includes perforation of the tympanic membrane and middle or inner ear injuries.

VI. Summary of Reasons for Reclassification

Based on the comments from the 2014 Panel meeting and FDA's assessment of new, valid scientific data related to the health benefits and risks associated with iontophoresis devices intended for any other purposes, FDA is proposing that these devices should be reclassified from class III to class II because sufficient information exists to establish specials controls, which, in addition to general controls, would provide a reasonable assurance of safety and effectiveness of the device, and because general controls themselves are insufficient to provide a reasonable assurance of its safety and effectiveness.

FDA does not believe that iontophoresis devices not intended for use with a specific drug or solution are life-supporting or life-sustaining, or for a use which is of substantial importance in preventing impairment of human health. FDA does believe these devices may present a potential unreasonable risk of illness or injury, as a review of the relevant clinical literature indicates. However, FDA believes that special controls, in combination with general controls, would provide reasonable assurance of safety and effectiveness.

VII. Summary of Data Upon Which the Reclassification Is Based

FDA believes that the identified special controls, in addition to general controls (including prescription use restrictions), are necessary to provide reasonable assurance of safety and effectiveness of these devices. Therefore, in accordance with sections 513(e) and 515(i) of the FD&C Act and § 860.130, based on new information with respect to the device and taking into account the public health benefit(s) of the use of the device and the nature and known incidence of the risk(s) of the device, FDA, on its own initiative, is proposing to reclassify this preamendments class III device into class II. The Agency has identified special controls that would provide reasonable assurance of their safety and effectiveness. FDA's review of the clinical literature has been previously summarized in the Executive Summary to the 2014 Panel meeting to discuss iontophoresis device classification (Ref. 1).

In addition, the 2014 Panel reviewed and discussed recent information presented by FDA, a manufacturer of iontophoresis devices, and members of the public. This information included recent literature regarding the possible risks to health and a review of FDA's Manufacturer and User Facility Device Experience (MAUDE) database.

The 2014 Panel agreed that iontophoresis devices not intended for use with specific drugs or solutions are not ''life-supporting or life-sustaining, or of substantial importance in preventing impairment of human health.'' The 2014 Panel agreed on the potential risks to health identified by FDA with some proposed clarifications, which were incorporated in section V. However, the 2014 Panel also expressed concerns regarding adverse systemic effects that might potentially result from use of iontophoresis devices to deliver drugs such as fentanyl, repeated treatments with certain drugs, or

misuse. In order to address the Panel's concerns regarding systemic effects, FDA is proposing to amend the identification of iontophoresis devices intended for any other purposes to clarify that devices intended to deliver specific drugs that may have adverse systemic effects, like fentanyl, are not considered part of this regulatory classification. An iontophoresis device intended to deliver a specific drug with systemic effects, such as fentanyl, would be regulated as a combination product in CDER or under § 890.5525(a). FDA believes this will help clarify the difference between the two regulatory subsets of iontophoresis devices. In addition, FDA is proposing a special control that will require iontophoresis device manufacturers to include labeling warnings regarding adverse systemic effects. Regarding the benefits of iontophoresis devices not intended for use with a specific drug or solution, the 2014 Panel indicated that they believe that the benefit provided by these devices outweigh the probable risks, as long as their concern about potential adverse systemic events could be addressed.

Regarding classification, there was general panel consensus that iontophoresis devices not intended for use with a specific drug or solution should be class II devices subject to special controls, unless the devices were used to deliver a treatment with potential adverse systemic effects. The Panel believed that such devices should be class III. However, iontophoresis devices intended to deliver specific drugs are not included in this regulatory subset of iontophoresis devices, and are regulated separately under § 890.5525(a) or as combination products in CDER. FDA believes that its proposal to amend the identification of iontophoresis devices regulated under § 890.5525(b), as well as its proposed special controls, will address the Panel's concern. There was general consensus among the Panel that if that concern could be addressed that the special controls identified by FDA were appropriate. The Panel agreed that general controls alone are not sufficient to provide reasonable assurance of the safety and effectiveness of these devices.

VIII. Proposed Special Controls

FDA believes that the following special controls, in addition to general controls (including applicable prescription use restrictions), are sufficient to mitigate the risks to health described in section V:

1. Performance testing must provide a reasonable assurance of safety and effectiveness of the device, including:

a. Testing using a drug approved for iontophoretic delivery, or a non-drug solution if identified in the labeling;

b. testing of the ability of the device to maintain a safe pH level; and

c. if used in the ear, testing of the mechanical safety of the device.

2. Labeling must include adequate instructions for use, including sufficient information for the health care provider to determine the device characteristics that affect delivery of the drug or solution and to select appropriate drug or solution dosing information for administration by iontophoresis. This includes the following:

a. A description and/or graphical representation of the electrical output;

b. a description of the electrode materials and pH buffer;

c. when intended for general drug delivery, language referring the user to approved drug labeling to determine if the drug they intend to deliver is specifically approved for use with that type of device and to obtain relevant dosing information; and

d. a detailed summary of the device-related and procedure-related complications pertinent to use of the device, and appropriate warnings and contraindications, including the following warning:

Warning: Potential systemic adverse effects may result from use of this device. Drugs or solutions delivered with this device have the potential to reach the blood stream and cause systemic effects. Carefully read all labeling of the drug or solution used with this device to understand all potential adverse effects and to ensure appropriate dosing information. If systemic manifestations occur, refer to the drug or solution labeling for appropriate action.

3. Appropriate analysis/testing must demonstrate electromagnetic compatibility, electrical safety, thermal safety, and mechanical safety. The requirement would, in concert with other special controls, help ensure the mitigation of cardiac events and discomfort, pain, and tenderness resulting from burns to the skin due to excessive energy deposition. In addition, this requirement would ensure the device does not interfere with other electrical equipment or medical devices and would also ensure that both operators and users are properly protected from electrical hazards such as electrical shock.

4. Appropriate software verification, validation, and hazard analysis must be performed. This requirement would help mitigate the risk of insufficient or excessive delivery of drugs or non-drug solutions.

5. The elements of the device that may contact the patient must be demonstrated to be biocompatible. These devices can contact users' and patients' skin directly; therefore, a demonstration of biocompatibility would mitigate the risks of skin reactions. Conditions of device operation, such as application of electrical current, may influence biocompatibility and should be considered in any biocompatibility determination.

6. The elements of the device that may contact the patient must be assessed for sterility to ensure the risk of infection is mitigated.

7. Performance data must support the shelf life of the elements of the device that may be affected by aging by demonstrating continued package integrity and device functionality over the stated shelf life.

Table 1 shows how FDA believes that the risks to health identified in section V can be mitigated by the proposed special controls. Under § 807.81 (21 CFR 807.81), these devices would also continue to be subject to 510(k) notification requirements.

TABLE 1—HEALTH RISKS AND MITIGATION MEASURES FOR § 890.5525(b) IONTOPHORESIS DEVICES

Identified risk	Mitigation measures
Burns	Performance Testing.
	Electrical Safety Testing.
	Shelf Life Testing.
	Labeling.
Electrical Shock	Electrical Safety Testing.
	Shelf Life Testing.
	Labeling.
Insufficient or Excessive Delivery.	Performance Testing.
	Software Verification, Validation and Hazards Analysis.
	Labeling.
Interference with Other Medical Devices.	Electromagnetic Compatibility Testing.
	Labeling.
Adverse Tissue Reactions.	Biocompatibility.
Infection	Sterility.
	Shelf Life Testing.
Ear Trauma (only when used in the ear).	Performance Testing.
	Labeling.

In addition, iontophoresis devices are restricted to patient use only upon the authorization of a practitioner licensed by law to administer or use the device. (Proposed § 890.5525(b); § 801.109 (*Prescription devices*)). Under § 807.81,

these devices would continue to be subject to 510(k) notification requirements.

IX. Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

X. Paperwork Reduction Act of 1995

This proposed order refers to currently approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 814, subpart B, have been approved under OMB control number 0910–0231; and the collections of information under 21 CFR part 801 have been approved under OMB control number 0910–0485. In addition, FDA concludes that the labeling statement proposed in this order does not constitute a ''collection of information'' under the PRA. Rather, the labeling statement is ''public disclosure(s) of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public . . .'' (5 CFR 1320.3(c)(2)).

No burden shift is associated with the reclassification of the device. This is currently a class III device for which manufacturers must submit a premarket notification (510(k)). This order proposes to reclassify the device into class II, therefore, respondents would continue to submit a premarket notification.

XI. Codification of Orders

Prior to the amendments by FDASIA, section 513(e) of the FD&C Act provided for FDA to issue regulations to reclassify devices. Although section 513(e) of the FD&C Act as amended requires FDA to issue final orders rather than regulations, FDASIA also provides for FDA to revoke previously issued regulations by order. FDA will continue to codify classifications and reclassifications in the Code of Federal Regulations (CFR). Changes resulting from final orders will appear in the CFR as changes to codified classification determinations or as newly codified orders. Therefore, under section 513(e)(1)(A)(i), as amended by FDASIA, in this proposed order we are proposing to revoke the requirements in § 890.5525(b)(1) related to the classification of iontophoresis devices not intended for use with a specific drug as class III devices and to codify their reclassification into class II (special controls).

XII. Proposed Effective Date

FDA is proposing that any final order based on this proposed order become effective on the date of its publication in the **Federal Register** or at a later date if stated in the final order.

XIII. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

XIV. Reference

The following reference has been placed on display in the Division of Dockets Management (see **ADDRESSES**), and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and is available electronically at *http://www.regulations.gov.* (FDA has verified the Web site address in this reference section, but we are not responsible for any subsequent changes to the Web site after this document publishes in the **Federal Register**.)

1. Meeting Materials for the February 21, 2014, meeting of the Orthopaedic and Rehabilitation Devices Panel, available at: *http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/OrthopaedicandRehabilitationDevicesPanel/ucm386335.htm.*

List of Subjects in 21 CFR Part 890

Medical devices, Physical medicine devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 890 be amended as follows:

PART 890—PHYSICAL MEDICINE DEVICES

■ 1. The authority citation for 21 CFR part 890 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Amend § 890.5525 by revising paragraph (b) and removing paragraph (c) to read as follows:

§ 890.5525 Iontophoresis device.

* * * * *

(b) *Iontophoresis device intended for any other purposes*—(1) *Identification.* An iontophoresis device intended for any other purposes is a prescription device that is intended to use a current to introduce ions of drugs or non-drug solutions into the body for medical purposes other than those specified in paragraph (a) of this section, meaning that the device is not intended for use in diagnosis of cystic fibrosis, and a specific drug is not specified in the labeling of the iontophoresis device. Iontophoresis devices included in this classification may be intended to deliver non-drug solutions.

(2) *Classification.* Class II (special controls). The special controls for this device are:

(i) Performance testing must provide a reasonable assurance of safety and effectiveness of the device, including:

(A) Testing using a drug approved for iontophoretic delivery, or a non-drug solution if identified in the labeling;

(B) testing of the ability of the device to maintain a safe pH level; and

(C) if used in the ear, testing of the mechanical safety of the device.

(ii) Labeling must include adequate instructions for use, including sufficient information for the health care provider to determine the device characteristics that affect delivery of the drug or solution and to select appropriate drug or solution dosing information for administration by iontophoresis. This includes the following:

(A) A description and/or graphical representation of the electrical output;

(B) a description of the electrode materials and pH buffer;

(C) when intended for general drug delivery, language referring the user to approved drug labeling to determine if the drug they intend to deliver is specifically approved for use with that type of device and to obtain relevant dosing information; and

(D) a detailed summary of the device-related and procedure-related complications pertinent to use of the device, and appropriate warnings and contraindications, including the following warning:

Warning: Potential systemic adverse effects may result from use of this device. Drugs or solutions delivered with this device have the potential to reach the blood stream and cause systemic effects. Carefully read all labeling of the drug or solution used with this device to understand all potential adverse effects and to ensure appropriate dosing information. If systemic manifestations occur, refer to the drug or solution labeling for appropriate action.

(iii) Appropriate analysis/testing must demonstrate electromagnetic compatibility, electrical safety, thermal safety, and mechanical safety.

(iv) Appropriate software verification, validation, and hazard analysis must be performed.

(v) The elements of the device that may contact the patient must be demonstrated to be biocompatible.

(vi) The elements of the device that may contact the patient must be assessed for sterility.

(vii) Performance data must support the shelf life of the elements of the device that may be affected by aging by demonstrating continued package integrity and device functionality over the stated shelf life.

Dated: September 15, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–22453 Filed 9–19–14; 8:45 am]

BILLING CODE 4164–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0596; FRL–9916–81–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; 2014 Amendments to West Virginia's Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of West Virginia for the purpose of amending their Legislative Rule on Ambient Air Quality Standards. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because EPA views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by October 22, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0596 by one of the following methods:

A. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. Email: *fernandez.cristina@epa.gov.*

C. Mail: EPA–R03–OAR–2014–0596, Cristina Fernandez, Associate Director, Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0596. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *ww.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Ellen Schmitt, (215) 814–5787, or by email at *schmitt.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: September 2, 2014.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2014–22414 Filed 9–19–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2014–0623, 0624, and 0625; FRL–9916–73–OSWER]

National Priorities List, Proposed Rule No. 61

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'' or ''the Act''), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''EPA'' or ''the agency'') in determining which sites warrant further investigation. These further investigations will allow the EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule proposes to add three sites to the General Superfund section of the NPL.

DATES: Comments regarding any of these proposed listings must be submitted (postmarked) on or before November 21, 2014.

ADDRESSES: Identify the appropriate docket number from the table below.

DOCKET IDENTIFICATION NUMBERS BY SITE

Site name	City/County, state	Docket ID No.
35th Avenue	Birmingham, AL	EPA–HQ–SFUND–2014–0623
Kokomo Contaminated Ground Water Plume	Kokomo, IN	EPA–HQ–SFUND–2014–0624
DSC McLouth Steel Gibraltar Plant	Gibraltar, MI	EPA–HQ–SFUND–2014–0625

Submit your comments, identified by the appropriate docket number, by one of the following methods:

- *http://www.regulations.gov* Follow the online instructions for submitting comments.
- Email: *http://superfund.docket@epa.gov.*
- Mail: Mail comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; (Mailcode 5305T); 1200 Pennsylvania Avenue NW.; Washington, DC 20460.
- Hand Delivery or Express Mail: Send comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; 1301 Constitution Avenue NW.; William Jefferson Clinton Building West, Room 3334, Washington, DC 20004. Such deliveries are accepted only during the docket's normal hours of operation (8:30 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays).

Instructions: Direct your comments to the appropriate docket number (see table above). The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system; that means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional docket addresses and further details on their contents, see section II, ''Public Review/Public Comment,'' of the Supplementary Information portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Terry Jeng, phone: (703) 603–8852, email: *jeng.terry@epa.gov,* Site Assessment and Remedy Decisions Branch, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation (Mailcode 5204P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; or the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background

A. What are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases or threatened releases of hazardous substances, and releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Public Law 99–499, 100 Stat. 1613 *et seq.*

B. What is the NCP?

To implement CERCLA, the EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances or releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. The EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action.'' ''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases of hazardous substances, pollutants or contaminants (42 U.S.C. 9601(23)).

C. What is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR Part 300), was required under section 105(a)(8)(B) of CERCLA, as amended. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. The NPL is only of limited significance, however, as it does not assign liability to any party or to the owner of any specific property. Also, placing a site on the NPL does not mean that any remedial or removal action necessarily need be taken.

For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by the EPA (the ''General Superfund section''), and one of sites that are owned or operated by other federal agencies (the ''Federal Facilities section''). With respect to sites in the Federal Facilities section, these sites are generally being addressed by other federal agencies. Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody or control, although the EPA is responsible for preparing a Hazard Ranking System (''HRS'') score and determining whether the facility is placed on the NPL.

D. How are sites listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP): (1) A site may be included on the NPL if it scores sufficiently high on the HRS, which the EPA promulgated as appendix A of the NCP (40 CFR Part 300). The HRS serves as a screening tool to evaluate the relative potential of uncontrolled hazardous substances, pollutants or contaminants to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), the EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: ground water, surface water, soil exposure and air. As a matter of agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL. (2) Pursuant to 42 U.S.C. 9605(a)(8)(B), each state may designate a single site as its top priority to be listed on the NPL, without any HRS score. This provision of CERCLA requires that, to the extent practicable, the NPL include one facility designated by each state as the greatest danger to public health, welfare or the environment among known facilities in the state. This mechanism for listing is set out in the NCP at 40 CFR 300.425(c)(2). (3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed without any HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- The EPA determines that the release poses a significant threat to public health.
- The EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

The EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658) and generally has updated it at least annually.

E. What happens to sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is

placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with permanent remedy, taken instead of or in addition to removal actions. * * *'' 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2) placing a site on the NPL ''does not imply that monies will be expended.'' The EPA may pursue other appropriate authorities to respond to the releases, including enforcement action under CERCLA and other laws.

F. Does the NPL define the boundaries of sites?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so. Indeed, the precise nature and extent of the site are typically not known at the time of listing.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance has ''come to be located'' (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. However, the NPL site is not necessarily coextensive with the boundaries of the installation or plant, and the boundaries of the installation or plant are not necessarily the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location where that contamination has come to be located, or from where that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the ''Jones Co. Plant site'') in terms of the property owned by a particular party, the site, properly understood, is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to, nor confined by, the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. In addition, the site name is merely used to help identify the geographic location of the contamination, and is not meant to constitute any determination of liability at a site. For example, the name ''Jones Co. Plant site,'' does not imply that the Jones Company is responsible for the contamination located on the plant site.

The EPA regulations provide that the remedial investigation (''RI'') ''is a process undertaken * * * to determine the nature and extent of the problem presented by the release'' as more information is developed on site contamination, and which is generally performed in an interactive fashion with the feasibility Study (''FS'') (40 CFR 300.5). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, the HRS inquiry focuses on an evaluation of the threat posed and therefore the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are completed at a site. Indeed, the known boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, it can submit supporting information to the agency at any time after it receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

G. How are sites removed from the NPL?

The EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that the EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

(iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate.

H. May the EPA delete portions of sites from the NPL as they are cleaned up?

In November 1995, the EPA initiated a policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and made available for productive use.

I. What is the Construction Completion List (CCL)?

The EPA also has developed an NPL construction completion list (''CCL'') to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when: (1) Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved; (2) the EPA has determined that the response action should be limited to measures that do not involve construction (e.g., institutional controls); or (3) the site qualifies for deletion from the NPL. For the most up-to-date information on the CCL, see the EPA's Internet site at *http://www.epa.gov/superfund/cleanup/ccl.htm.*

J. What is the Sitewide Ready for Anticipated Use measure?

The Sitewide Ready for Anticipated Use measure (formerly called Sitewide Ready-for-Reuse) represents important Superfund accomplishments and the measure reflects the high priority the EPA places on considering anticipated future land use as part of the remedy selection process. See Guidance for Implementing the Sitewide Ready-for-Reuse Measure, May 24, 2006, OSWER 9365.0–36. This measure applies to final and deleted sites where construction is complete, all cleanup goals have been achieved, and all institutional or other controls are in place. The EPA has been successful on many occasions in carrying out remedial actions that ensure protectiveness of human health

and the environment for current and future land uses, in a manner that allows contaminated properties to be restored to environmental and economic vitality. For further information, please go to *http://www.epa.gov/superfund/programs/recycle/pdf/sitewide_a.pdf.*

K. What is state/tribal correspondence concerning NPL listing?

In order to maintain close coordination with states and tribes in the NPL listing decision process, the EPA's policy is to determine the position of the states and tribes regarding sites that the EPA is considering for listing. This consultation process is outlined in two memoranda that can be found at the following Web site: *http://www.epa.gov/superfund/sites/npl/hrsres/policy/govlet.pdf.* The EPA is improving the transparency of the process by which state and tribal input is solicited. The EPA is using the Web and where appropriate more structured state and tribal correspondence that (1) explains the concerns at the site and the EPA's rationale for proceeding; (2) requests an explanation of how the state intends to address the site if placement on the NPL is not favored; and (3) emphasizes the transparent nature of the process by informing states that information on their responses will be publicly available.

A model letter and correspondence from this point forward between the EPA and states and tribes where applicable, is available on the EPA's Web site at *http://www.epa.gov/superfund/sites/query/queryhtm/nplstcor.htm*

II. Public Review/Public Comment

A. May I review the documents relevant to this proposed rule?

Yes, documents that form the basis for the EPA's evaluation and scoring of the sites in this proposed rule are contained in public dockets located both at the EPA Headquarters in Washington, DC, and in the regional offices. These documents are also available by electronic access at *http://www.regulations.gov* (see instructions in the ''Addresses'' section above).

B. How do I access the documents?

You may view the documents, by appointment only, in the Headquarters or the regional dockets after the publication of this proposed rule. The hours of operation for the Headquarters docket are from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding federal holidays. Please contact the regional dockets for hours.

The following is the contact information for the EPA Headquarters Docket: Docket Coordinator, Headquarters, U.S. Environmental Protection Agency, CERCLA Docket Office, 1301 Constitution Avenue NW., William Jefferson Clinton Building West, Room 3334, Washington, DC 20004; 202/566–0276. (Please note this is a visiting address only. Mail comments to the EPA Headquarters as detailed at the beginning of this preamble.)

The contact information for the regional dockets is as follows:

- Holly Inglis, Region 1 (CT, ME, MA, NH, RI, VT), U.S. EPA, Superfund Records and Information Center, 5 Post Office Square, Suite 100, Boston, MA 02109–3912; 617/918–1413.
- Ildefonso Acosta, Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; 212/637–4344.
- Lorie Baker (ASRC), Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA, Library, 1650 Arch Street, Mailcode 3HS12, Philadelphia, PA 19103; 215/814–3355.
- Jennifer Wendel, Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street SW., Mailcode 9T25, Atlanta, GA 30303; 404/562–8799.
- Todd Quesada, Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA Superfund Division Librarian/SFD Records Manager SRC–7J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604; 312/886–4465.
- Brenda Cook, Region 6 (AR, LA, NM, OK, TX), U.S. EPA, 1445 Ross Avenue, Suite 1200, Mailcode 6SFTS, Dallas, TX 75202–2733; 214/665–7436.
- Michelle Quick, Region 7 (IA, KS, MO, NE), U.S. EPA, 11201 Renner Blvd., Mailcode SUPRERNB, Lenexa, KS 66219; 913/551–7335.
- Sabrina Forrest, Region 8 (CO, MT, ND, SD, UT, WY), U.S. EPA, 1595 Wynkoop Street, Mailcode 8EPR–B, Denver, CO 80202–1129; 303/312–6484.
- Sharon Murray, Region 9 (AZ, CA, HI, NV, AS, GU, MP), U.S. EPA, 75 Hawthorne Street, Mailcode SFD 6–1, San Francisco, CA 94105; 415/947–4250.
- Ken Marcy, Region 10 (AK, ID, OR, WA), U.S. EPA, 1200 6th Avenue, Mailcode ECL–112, Seattle, WA 98101; 206/463–1349.

You may also request copies from the EPA Headquarters or the regional dockets. An informal request, rather than a formal written request under the Freedom of Information Act, should be the ordinary procedure for obtaining copies of any of these documents. Please note that due to the difficulty of reproducing oversized maps, oversized maps may be viewed only in-person; since the EPA dockets are not equipped to either copy and mail out such maps or scan them and send them out electronically.

You may use the docket at *http://www.regulations.gov* to access documents in the Headquarters docket (see instructions included in the ''Addresses'' section above). Please note that there are differences between the Headquarters docket and the regional dockets and those differences are outlined below.

C. What documents are available for public review at the Headquarters docket?

The Headquarters docket for this proposed rule contains the following for the sites proposed in this rule: HRS score sheets; documentation records describing the information used to compute the score; information for any sites affected by particular statutory requirements or the EPA listing policies; and a list of documents referenced in the documentation record.

D. What documents are available for public review at the regional dockets?

The regional dockets for this proposed rule contain all of the information in the Headquarters docket plus the actual reference documents containing the data principally relied upon and cited by the EPA in calculating or evaluating the HRS score for the sites. These reference documents are available only in the regional dockets.

E. How do I submit my comments?

Comments must be submitted to the EPA Headquarters as detailed at the beginning of this preamble in the ''Addresses'' section. Please note that the mailing addresses differ according to method of delivery. There are two different addresses that depend on whether comments are sent by express mail or by postal mail.

F. What happens to my comments?

The EPA considers all comments received during the comment period. Significant comments are typically addressed in a support document that the EPA will publish concurrently with the **Federal Register** document if, and when, the site is listed on the NPL.

G. What should I consider when preparing my comments?

Comments that include complex or voluminous reports, or materials prepared for purposes other than HRS scoring, should point out the specific information that the EPA should consider and how it affects individual HRS factor values or other listing

criteria (*Northside Sanitary Landfill* v. *Thomas,* 849 F.2d 1516 (D.C. Cir. 1988)). The EPA will not address voluminous comments that are not referenced to the HRS or other listing criteria. The EPA will not address comments unless they indicate which component of the HRS documentation record or what particular point in the EPA's stated eligibility criteria is at issue.

H. May I submit comments after the public comment period is over?

Generally, the EPA will not respond to late comments. The EPA can guarantee only that it will consider those comments postmarked by the close of the formal comment period. The EPA has a policy of generally not delaying a final listing decision solely to accommodate consideration of late comments.

I. May I view public comments submitted by others?

During the comment period, comments are placed in the Headquarters docket and are available to the public on an ''as received'' basis. A complete set of comments will be available for viewing in the regional dockets approximately one week after the formal comment period closes.

All public comments, whether submitted electronically or in paper form, will be made available for public viewing in the electronic public docket at *http://www.regulations.gov* as the EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI) or other information whose disclosure is restricted by statute. Once in the public dockets system, select ''search,'' then key in the appropriate docket ID number.

J. May I submit comments regarding sites not currently proposed to the NPL?

In certain instances, interested parties have written to the EPA concerning sites that were not at that time proposed to the NPL. If those sites are later proposed to the NPL, parties should review their earlier concerns and, if still appropriate, resubmit those concerns for consideration during the formal comment period. Site-specific correspondence received prior to the period of formal proposal and comment will not generally be included in the docket.

III. Contents of This Proposed Rule

A. Proposed Additions to the NPL

In today's proposed rule, the EPA is proposing to add three sites to the NPL, all to the General Superfund section. All of the sites in this proposed rulemaking are being proposed based on HRS scores of 28.50 or above.

The sites are presented in the table below.

GENERAL SUPERFUND SECTION

State	Site name	City/County
AL	35th Avenue	Birmingham.
IN	Kokomo Contaminated Ground Water Plume	Kokomo.
MI	DSC McLouth Steel Gibraltar Plant	Gibraltar.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

1. What is Executive Order 12866?

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the agency must determine whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety or state, local or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities or the principles set forth in the Executive Order.

2. Is this proposed rule subject to Executive Order 12866 review?

No. The listing of sites on the NPL does not impose any obligations on any entities. The listing does not set standards or a regulatory regime and imposes no liability or costs. Any liability under CERCLA exists irrespective of whether a site is listed. It has been determined that this action is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Paperwork Reduction Act

1. What is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR Part 9.

2. Does the Paperwork Reduction Act apply to this proposed rule?

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The EPA has determined that the PRA does not apply because this rule does not contain any information collection requirements that require approval of the OMB.

Burden means the total time, effort or financial resources expended by persons to generate, maintain, retain or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR Part 9.

C. Regulatory Flexibility Act

1. What is the Regulatory Flexibility Act?

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

2. How has the EPA complied with the Regulatory Flexibility Act?

This proposed rule listing sites on the NPL, if promulgated, would not impose any obligations on any group, including small entities. This proposed rule, if promulgated, also would establish no standards or requirements that any small entity must meet, and would impose no direct costs on any small entity. Whether an entity, small or otherwise, is liable for response costs for a release of hazardous substances depends on whether that entity is liable under CERCLA 107(a). Any such liability exists regardless of whether the site is listed on the NPL through this rulemaking. Thus, this proposed rule, if promulgated, would not impose any requirements on any small entities. For the foregoing reasons, I certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

1. What is the Unfunded Mandates Reform Act (UMRA)?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures by state, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before the EPA promulgates a rule where a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant federal intergovernmental mandates and informing, educating and advising small governments on compliance with the regulatory requirements.

2. Does UMRA apply to this proposed rule?

This proposed rule does not contain a federal mandate that may result in expenditures of $100 million or more for state, local and tribal governments, in the aggregate, or the private sector in any one year. Proposing a site on the NPL does not itself impose any costs. Proposal does not mean that the EPA necessarily will undertake remedial action. Nor does proposal require any action by a private party or determine liability for response costs. Costs that arise out of site responses result from site-specific decisions regarding what actions to take, not directly from the act of proposing a site to be placed on the NPL. Thus, this rule is not subject to the requirements of section 202 and 205 of UMRA.

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. As is mentioned above, site proposal does not impose any costs and would not require any action of a small government.

E. Executive Order 13132: Federalism

1. What is Executive Order 13132?

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.''

2. Does Executive Order 13132 apply to this proposed rule?

This proposed rule does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it does not contain any requirements applicable to states or other levels of government. Thus, the requirements of the Executive Order do not apply to this proposed rule.

The EPA believes, however, that this proposed rule may be of significant interest to state governments. In the spirit of Executive Order 13132, and consistent with the EPA policy to promote communications between the EPA and state and local governments, the EPA therefore consulted with state officials and/or representatives of state governments early in the process of developing the rule to permit them to have meaningful and timely input into its development. All sites included in this proposed rule were referred to the EPA by states for listing. For all sites in this rule, the EPA received letters of support either from the governor or a state official who was delegated the authority by the governor to speak on their behalf regarding NPL listing decisions.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

1. What is Executive Order 13175?

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the federal government and the Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes.''

2. Does Executive Order 13175 apply to this proposed rule?

This action does not have tribal implications, as specified in Executive Order 13175. Proposing a site to the NPL does not impose any costs on a tribe or require a tribe to take remedial action. Thus, Executive Order 13175 does not apply to this proposed rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

1. What is Executive Order 13045?

Executive Order 13045: ''Protection of Children From Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that the EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the agency.

2. Does Executive Order 13045 apply to this proposed rule?

This proposed rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because the agency does not have reason to believe the environmental health or safety risks addressed by this proposed rule present a disproportionate risk to children.

H. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use

1. What is Executive Order 13211?

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' (66 FR 28355, May 22, 2001) requires federal agencies to prepare a ''Statement of Energy Effects'' when undertaking certain regulatory actions. A Statement of Energy Effects describes the adverse effects of a ''significant energy action'' on energy supply, distribution and use, reasonable alternatives to the action and the expected effects of the alternatives on energy supply, distribution and use.

2. Does Executive Order 13211 apply to this proposed rule?

This action is not a ''significant energy action'' as defined in Executive Order 13211, because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. Further, the agency has concluded that this rule is not likely to have any adverse energy impacts because proposing a site to the NPL does not require an entity to conduct any action that would require energy use, let alone that which would significantly affect energy supply, distribution or usage. Thus, Executive Order 13211 does not apply to this action.

I. National Technology Transfer and Advancement Act

1. What is the National Technology Transfer and Advancement Act?

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

2. Does the National Technology Transfer and Advancement Act apply to this proposed rule?

No. This proposed rulemaking does not involve technical standards. Therefore, the EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

1. What is Executive Order 12898?

Executive Order (E.O.) 12898 (59 FR 7629, Feb. 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States.

2. Does Executive Order 12898 apply to this proposed rule?

The EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. As this rule does not impose any enforceable duty upon state, tribal or local governments, this rule will neither increase nor decrease environmental protection.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: September 10, 2014.

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 2014–22423 Filed 9–19–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[Docket No. 14–12]

RIN 3072–AC58

Amendments to Regulations Governing the Rules of Practice and Procedure for Dismissals of Actions

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Maritime Commission proposes to amend its rules governing dismissals of actions by complainants, by order of the presiding officer, and by respondents when complainant fails to prosecute.

DATES: Comments are due on or before October 22, 2014.

ADDRESSES: Address all comments concerning this proposed rule to: Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001, Phone: (202) 523–5725, Email: *secretary@fmc.gov.*

FOR FURTHER INFORMATION CONTACT: Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001, Phone: (202) 523–5725, Email: *secretary@fmc.gov.*

SUPPLEMENTARY INFORMATION: The Commission proposes to amend Rule 72 of its Rules of Practice and Procedure, 46 CFR 502.72, to reflect its intent with regard to review and approval of settlement agreements prior to dismissal of formal complaints. When § 502.72 was published in October 2012, the Commission stated that it ''did not intend to eliminate the requirement for review of settlement.'' Docket No. 11–05, Rules of Practice and Procedure, *Final Rule,* 77 FR 61519–20 (Oct. 10, 2012). The language of the rule, however, did not expressly address the procedure to follow if a stipulation of dismissal by the parties is the result of a settlement between the parties. The proposed revision reflects the Commission's intent to adhere to its long-standing policy of reviewing settlements by adding language to clarify that when a voluntary dismissal is based on a settlement agreement, the agreement must be submitted for approval by the Commission.

Section 502.72 permits voluntary dismissals by notice, allowing a complainant to dismiss an action voluntarily before an answer or other responsive pleading is served. Additionally, the rule permits dismissal of complaints by stipulation of the parties, thereby fostering efficient and speedy resolution of matters that have become moot (e.g., cargo has been delivered, expense of litigation, fatigue, etc.). The rule does not, however, expressly address the circumstance when a voluntary dismissal is the result of a settlement between the parties.

The Commission has followed a well-established policy of encouraging settlement agreements in proceedings brought before it. *Old Ben Coal Co.* v. *Sea-Land Serv., Inc.,* 18 S.R.R. 1085, 1091 (ALJ 1978). The Commission has adhered to ''encourag[ing] settlements and engage[ing] in every presumption which favors a finding that they are fair, correct, and valid.'' *Inlet Fish Producers, Inc.* v. *Sea-Land Serv., Inc.,* 29 S.R.R. 975, 978 (ALJ 2002) (quoting *Old Ben Coal,* 18 S.R.R. at 1091); *see also Ellenville Handle Works, Inc.* v. *Far E. Shipping Co.,* 20 S.R.R. 761, 763 (ALJ 1981) (noting that settlements may be approved upon a showing that the settlement is bona fide and not a device for rebating). The Commission has exercised oversight of these settlements to ensure that such agreements are free from ''fraud, duress, undue influence, [or] mistake'' and do ''not contravene any law or public policy.'' *Old Ben Coal,* 18 S.R.R. at 1093.

Although the Commission undertakes a relatively limited role in scrutinizing settlements, *see P.R. Shipping Ass'n* v. *P.R. Ports Auth.,* 27 S.R.R. 645, 647 (ALJ 1996), it has also made clear that it ''does not merely rubber stamp any proffered statement, no matter how anxious the parties may be to terminate their litigation.'' *Old Ben Coal,* 18 S.R.R. at 1092. Previously, the Commission required proof of a statutory violation before approving a settlement. An agreement to settle a proceeding could only ''be approved . . . upon an affirmative finding that such violation occurred.'' *Consolidated International Corporation* v. *Concordia Line, Boise Griffin Steamship Company, Inc.,* 18 F.M.C. 180, 183 (ALJ 1975); *cf. Ketchikan Spruce Mills* v. *Coastwise Line,* 5 F.M.B. 661(1959) (settlement was not approved because it could not be shown that the tariffs were unreasonable or violated the Shipping Act).

In *Old Ben,* the Commission modified this requirement in favor of a revised standard that allows the Commission to assess whether ''the settlement offered is fair, reasonable, and adequate,'' and whether the settlement is ''free of fraud, duress, undue influence, [or] mistake.'' 18 S.R.R. at 1091. Additionally, the Commission may weigh the likelihood of the complainant's success if litigation were pursued, as well as balance the adequacy of the terms of settlement against the estimated cost and complexity of continued litigation. *Id,* 1093–94. Finally, the Commission will review the settlement to ensure that it is ''proper and does not itself violate any provision of the law.'' *Id.* at 1091. Settlements meeting these criteria ''will probably pass muster and receive approval.'' *Id.* at 1093; *see also World Chance Logistics (Hong Kong), Ltd.—Possible Violations,* 31 S.R.R. 1346, 1350 (FMC 2010).

The clarifying language reflects the Commission's intent expressed in adopted section 502.72 that it is not changing its long standing policy with respect to review of settlement agreements, and articulates the requisite procedure for voluntary and involuntary dismissal of complaints.

List of Subjects in 46 CFR Part 502

Administrative practices and procedures, Claims, Equal access to justice, Investigations, Practice and procedure, Procedural rules, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Federal Maritime Commission proposes to revise 46 CFR Part 502 Rule 72 as follows:

PART 502—RULES OF PRACTICE AND PROCEDURE

Subpart E—Proceedings; Pleadings; Motions; Replies

■ 1. The authority citation for part 502 continues to read as follows:

Authority: 5 U.S.C. 504, 551, 552, 553, 556(c), 559, 561–569, 571–596, 5 U.S.C. 571–584; 18 U.S.C. 207; 28 U.S.C. 2112(a); 31 U.S.C. 9701; 46 U.S.C. 305, 40103–40104, 40304, 40306, 40501–40503, 40701–40706, 41101–41109, 41301–41309, 44101–44106; E.O. 11222 of May 8, 1965.

■ 2. Revise § 502.72 as follows:

§ 502.72 Dismissals.

(a) *Voluntary dismissal.* (1) *By the complainant.* When no settlement agreement is involved, the complainant may dismiss an action without an order from the presiding officer by filing a notice of dismissal before the opposing party serves either an answer, a motion to dismiss, or a motion for summary decision. Unless the notice or stipulation states otherwise, the dismissal is without prejudice.

(2) *By stipulation of the parties.* The parties may dismiss an action at any point without an order from the presiding officer by filing a stipulation of dismissal signed by all parties who have appeared. In the stipulation the parties must certify that no settlement

on the merits was reached. Unless the stipulation states otherwise, the dismissal is without prejudice.

(3) *By order of the presiding officer.* Except as provided in paragraphs (a)(1) and (a)(2) of this section, an action may be dismissed at the complainant's request only by order of the presiding officer, on terms the presiding officer considers proper. If the motion is based on a settlement by the parties, the settlement agreement must be submitted with the motion for determination as to whether the settlement appears to violate any law or policy and to ensure the settlement is free of fraud, duress, undue influence, mistake, or other defects which might make it unapprovable. Unless the order states otherwise, a dismissal under this paragraph is without prejudice.

(b) *Involuntary dismissal; effect.* If the complainant fails to prosecute or to comply with these rules or an order in the proceeding, a respondent may move to dismiss the action or any claim against it, or the presiding officer, after notice to the parties, may dismiss the proceeding on its own motion. Unless the dismissal order states otherwise, a dismissal under this subpart, except one for lack of jurisdiction or failure to join a party, operates as an adjudication on the merits.

(c) *Dismissing a counterclaim, crossclaim, or third-party claim.* This rule applies to dismissals of any counterclaim, crossclaim, or third-party claim.

By the Commission.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–22427 Filed 9–19–14; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 380, 383, and 384

[Docket No. FMCSA–2007–27748]

RIN 2126–AB66

Minimum Training Requirements for Entry-Level Commercials Drivers' License Applicants; Consideration of Negotiated Rulemaking Process

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of intent; correction.

SUMMARY: This document makes a correction to a notice published in the **Federal Register** on August 19, 2014, regarding entry-level driver training; consideration of negotiated rulemaking process. The correction involves a clarification of the contractual relationship that FMCSA has with the convener, Mr. Richard Parker.

DATES: September 22, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, Transportation Specialist, FMCSA, Office of Bus and Truck Standards and Operations, 202–366–4325 or *mcpsd@dot.gov.*

SUPPLEMENTARY INFORMATION:

For FMCSA's notice published on August 19, 2014, (79 FR 49044), the following correction is made:

On page 49044, in column 3, the first sentence of the last full paragraph, is changed to read: ''FMCSA has retained a neutral convener, Mr. Richard Parker, a professor of law at the University of Connecticut School of Law, through a contractor, Strategic Consulting Alliances, LLC to undertake this initial stage in the Reg Neg process.''

Issued on: September 15, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–22304 Filed 9–19–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 130123065–4768–01]

RIN 0648–BC95

Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18 to the Pacific Coast Salmon Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 18 to the Pacific Coast Salmon Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California (FMP). Amendment 18, which was transmitted by the Pacific Fishery Management Council (PFMC) on June 10, 2014, revises the description and identification of essential fish habitat (EFH) for Pacific salmon managed under the FMP, designates habitat areas of particular concern (HAPCs), updates the current information on fishing activities, and updates the list of non-fishing related activities that may adversely affect EFH and potential conservation and enhancement measures to minimize those effects.

DATES: Comments on this proposed rule must be received on or before October 22, 2014.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2014–0071, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal *http://www.regulations.gov.* To submit comments via the e-Rulemaking Portal, enter NOAA–NMFS–2014–0071 in the search box. Locate the document you wish to comment on from the resulting list and click on the ''Submit a Comment'' icon on the right of that line.
- *Mail:* William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *http://www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Information relevant to this proposed rule, which includes an EA with a regulatory impact review (RIR), is available for public review during business hours at the office of the PFMC, at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220, phone: 503–820–2280, and is posted on its Web site (*http://www.pcouncil.org/salmon/fishery-management-plan/amendments-in-development/*). These documents are also linked on the NMFS West Coast Region Web site (*http://www.westcoast.fisheries.noaa.gov/fisheries/salmon_steelhead/salmon_and_steelhead_fisheries.html*). Copies of additional reports referred to in this

document may also be obtained from the PFMC.

FOR FURTHER INFORMATION CONTACT: Peggy Mundy at 206–526–4323.

SUPPLEMENTARY INFORMATION:

Background

The identification and description of EFH for salmon stocks managed under the FMP were originally developed in Amendment 14 to the FMP (66 FR 29238, May 30, 2001), and codified by NMFS at 50 CFR 660.412 in 2008 (73 FR 60987, October 15, 2008). The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires periodic review of EFH provisions, and revision or amendment of those provisions, as warranted, based on available information (50 CFR 600.815(a)(10)). In 2009, the PFMC and NMFS established and staffed a Pacific Coast Salmon EFH Oversight Panel (Panel) to review salmon EFH and new information relevant to salmon EFH, and to make recommendations as to whether revisions would be appropriate. The Panel recommended modifications to Pacific salmon EFH in a final report submitted to the PFMC (Stadler *et al.* 2011). At its April 2011 meeting, the PFMC initiated an FMP amendment to address the Panel's recommendations. The PFMC adopted modifications to salmon EFH contained in Amendment 18 at their September 2013 meeting, and transmitted the proposed amendment, and a draft environmental assessment (EA) to NMFS on June 10, 2014. NMFS published a notice of availability and request for comments in the **Federal Register** (79 FR 34272, June 16, 2014); after a 60-day comment period, no comments were received. Amendment 18 was approved by the Secretary of Commerce on September 12, 2014.

Components of Amendment 18

Amendment 18, as proposed, would modify the FMP in four sections, including Appendix A. These modifications, and their rationale, are described below under the titles of the affected FMP sections.

FMP Section 4.1.1—Identification and Description

Prior to Amendment 18, estuarine and marine EFH for salmon extends from the nearshore and tidal submerged environments within state territorial waters out to the full extent of the exclusive economic zone (200 nautical miles) offshore of Washington, Oregon, and California north of Point Conception. The shoreward boundary is vague and does not take into account tidal fluctuations. Amendment 18 would add specificity to this boundary by describing it as extending from the extreme high tide line in nearshore and tidal submerged environments. The offshore boundary remains the extent of the U.S. exclusive economic zone offshore of Washington, Oregon, and California north of Point Conception, but Amendment 18 would add the metric equivalent of 370.4 km.

Due to the migratory nature of salmon, some stocks managed by the PFMC spend part of their life history occupying Alaskan waters, but not all salmon stocks found Alaskan waters are PFMC-managed stocks. In the current FMP, Pacific Coast salmon EFH is described as including the marine areas off Alaska designated as salmon EFH by the North Pacific Fishery Management Council (NPFMC), regardless of the stocks for which the NPFMC designated the EFH. Amendment 18 would clarify that Pacific salmon EFH as designated by the PFMC includes areas designated as EFH by the NPFMC only for stocks managed by the PFMC.

Prior to Amendment 18, freshwater salmon EFH is identified as: all currently viable water bodies and most of the habitat historically accessible to salmon (except above certain impassable natural barriers). Amendment 18 would change this language to read: The geographic extent of freshwater EFH is identified as all water bodies currently or historically occupied by PFMC-managed salmon in Washington, Oregon, Idaho, and California as identified in Table 1 of Appendix A. The new language eliminates the undefined term ''currently viable,'' and replaces it with ''currently occupied'' and the term ''historically accessible'' with ''historically occupied.'' These terms are consistent with the definition of EFH at 50 CFR 600.10. It also clarifies that EFH is designated for salmon stocks managed under the FMP.

FMP Section 4.12—Adverse Effects of Fishing on Essential Fish Habitat

Amendment 18 would make minor changes to this section that are largely editorial and grammatical.

FMP Section 4.14—Procedures for Amending Salmon EFH

Amendment 18 would add new section 4.14 to the FMP, to bring the FMP into compliance with regulations at 50 CFR 600.815(a)(10), which require the FMP to outline the procedures the PFMC will follow to review and revise EFH information. Revisions to Pacific Coast salmon EFH could be made when the PFMC determines that such action is warranted by new information that has become available. Such new information is typically generated during the periodic reviews, but could come before the PFMC through other established avenues. The process could typically be accomplished via a three-meeting PFMC process and would require PFMC advisory bodies to assess and make recommendations to the PFMC regarding changes to Appendix A. Upon the PFMC's adoption of any revisions, further procedures may be required to implement the revisions as advised by the Secretary.

FMP Appendix A—Identification and Description of Essential Fish Habitat, Adverse Impacts, and Conservation Measures

Under Amendment 18, Appendix A would be revised, including a table listing the freshwater EFH designations using United States Geological Survey (USGS) 4th field HUs. The information used to revise Appendix A comes largely from the Panel's report (Stadler *et al.* 2011) and is based on the best scientific information available. The proposed Appendix A can be found on the PFMC's Web site (*www.pcouncil.org*). Amendment 18 includes revisions to the EFH descriptions in Appendix A for Chinook, coho, and pink salmon stocks managed under the FMP to reflect currently available information regarding habitat currently or historically occupied by salmon and changes made by USGS to its HUs. As a result, some HUs identified as EFH in the current Amendment 18 would be de-designated, others would be added, and identifying information about some HUs would be modified to reflect USGS' new designations. The proposed Appendix also designates five types of habitat as HAPCs: Complex channels and floodplain habitats, thermal refugia, spawning habitat, estuaries, and marine and estuarine submerged aquatic vegetation. Amendment 18 makes only minor changes to fishing activities affecting salmon EFH; the description of fishing activities is updated, impacts from derelict gear is added, and harvest of prey species is updated. The Amendment expands the list of non-fishing activities that may affect salmon EFH to include the following: Alternative energy development, coal export terminal facilities, culvert construction, desalination, flood control maintenance, liquefied natural gas projects, overwater structures, pesticide use, and power plant intakes. Amendment 18 revises criteria for considering designation of habitat above impassable dams as EFH and updates existing designations to reflect new information.

Changes to Regulations

This proposed Rule includes changes to the existing regulations at 50 CFR 660.412 to implement Amendment 18. These are described below.

- *§ 660.412—EFH identifications and descriptions for Pacific salmon*

This section is revised in its entirety to update the specific EFH identifications and descriptions for Pacific salmon in Washington, Idaho, Oregon, and California, as proposed in Amendment 18 to the FMP. These changes include adding specificity to this boundary by describing it as extending from the extreme high tide line in nearshore and tidal submerged environments; clarifying that Pacific salmon EFH as designated by the PFMC includes areas designated as EFH by the NPFMC only for stocks managed by the PFMC; and adding new language eliminating the undefined term ''historically accessible'' with ''historically occupied.'' Table 1 has been rewritten to update freshwater EFH designations for Chinook, coho, and pink salmon stocks managed under the FMP using USGS 4th field HUs.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 18, the Pacific Salmon Fishery Management Plan, the MSA, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

A Draft EA has been prepared for Amendment 18; a copy of the Draft EA is available online at *http://www.pcouncil.org/*. The Draft EA includes a regulatory impact review (RIR) prepared by NMFS.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

The purpose of the Regulatory Flexibility Act (RFA) is to relieve small businesses, small organizations, and small governmental entities of burdensome regulations and record-keeping requirements. Major goals of the RFA are: (1) To increase agency awareness and understanding of the impact of their regulations on small business, (2) to require agencies communicate and explain their findings to the public, and (3) to encourage agencies to use flexibility and to provide regulatory relief to small entities. The RFA emphasizes predicting impacts on small entities as a group distinct from other entities and the consideration of alternatives that may minimize the impacts while still achieving the stated objective of the action. An initial regulatory flexibility analysis (IRFA) is conducted unless it is determined that an action will not have a ''significant economic impact on a substantial number of small entities.''

The objective of this proposed rule is to revise and update the EFH provisions of the Salmon FMP that were previously approved by the Secretary of Commerce in 2000 (66 FR 29238, May 30, 2001). EFH provisions are required under the MSA (16 U.S.C. 1802(b)(7)). This rule would impact vessels harvesting salmon from the ocean troll fishery. The following fishery information is found in the 2013 Stock Assessment and Fisheries Evaluation report (PFMC 2014). In 2013, there were 2,270 permits issued for this fishery, with a total exvessel value of $34.1 million. Of the 2,270 permits, only 1,177 actually landed salmon. In California, 670 vessels landed salmon for an exvessel value of $23.6 million; in Oregon, 399 vessels landed salmon for an exvessel value of $7.6 million; and in Washington, 108 vessels landed salmon for an exvessel value of $2.8 million. Treaty Indian ocean fisheries landed salmon with an exvessel value of $6.4 million.

On June 12, 2014, the Small Business Administration (SBA) issued an interim final rule revising the small business size standards for several industries effective July 14, 2014 (79 FR 33467 (June 12, 2014)). The rule increased the size standard from $19.0 to $20.5 million for finfish fishing, from $5 to $5.5 million for shellfish fishing, and from $7.0 million to $7.5 million for other marine fishing, for-hire businesses, and marinas. Based on this size standard, all vessels harvesting salmon from the ocean troll fishery are considered small under the Small Business Administration approved definition of a small fish harvester. Therefore, there can be no disproportionate impacts between small and large vessels. Furthermore, there are no disproportionate impacts based on homeport, gear type, or vessel size from the promulgation of this proposed rule.

This proposed rule would not result in any immediate impacts on revenues or costs for the small entities participating in the Pacific salmon fishery because it does not contain any new management measures that would have specific economic impact on the fishery. However, future rulemakings that are promulgated by NMFS on behalf of the Secretary may be based in part on the identification and description of the EFH and such actions would likely have specific measurable impacts on the small entities participating in the fishery.

As a result, an initial regulatory flexibility analysis is not required and none has been prepared. NMFS will conduct the appropriate analyses for any subsequent rulemakings stemming from this proposed rule.

This proposed rule would not establish any new reporting or recordkeeping requirements. This proposed rule does not include a collection of information. No Federal rules have been identified that duplicate, overlap, or conflict with this action.

This action is not expected to have adverse effects on any listed species or critical habitat. As described in the EA for Amendment 18, this action may have minimal effects on listed species in freshwater areas where EFH designations would change slightly under the preferred alternative. NMFS has consulted with itself under ESA section 7 and prepared a memo concluding that implementation of the preferred alternative is not likely to adversely affect any listed species or critical habitat.

This proposed rule was developed after meaningful collaboration with the affected tribes, through the PFMC process. Under the MSA at 16 U.S.C. 1852(b)(5), one of the voting members of the PFMC must be a representative of an Indian Tribe with Federally recognized fishing rights from the area of the PFMC's jurisdiction.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: September 16, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. *et seq.* and 16 U.S.C. 773 *et seq.*

■ 2. Section § 660.412 is revised to read as follows:

§ 660.412 EFH identifications and descriptions for Pacific salmon.

Essential fish habitat (EFH) is identified for anadromous Pacific salmon stocks managed by the Pacific Fishery Management Council (PFMC) under the Pacific Coast Salmon Fishery Management Plan (FMP). These managed salmon include most of the Chinook salmon (*Oncorhynchus tshawytscha*) stocks and all of the coho salmon (*O. kisutch*) stocks from Washington, Oregon, Idaho, and California; as well as pink salmon (*O. gorbuscha*) stocks originating from watersheds within Puget Sound east of, and including, the Elwha River. The geographic extent of freshwater EFH is specifically identified in the FMP as all water bodies currently or historically occupied by PFMC-managed salmon in Washington, Oregon, Idaho, and California; including aquatic areas above all artificial barriers that are not specifically excluded. Freshwater EFH, identified in Table 1 of this subpart H, is described using fourth field hydrologic unit codes developed by the U.S. Geological Survey (defined in U.S. Geological Survey and U.S. Department of Agriculture, Natural Resources Conservation Service: Federal guidelines, requirements, and procedures for the national Watershed Boundary Dataset: U.S. Geological Survey Techniques and Methods 11–A3, 2009). Table 1 also identifies the dams that represent the upstream extent of EFH in each hydrologic unit.

(a) Chinook salmon EFH includes all water bodies currently or historically occupied by PFMC-managed Chinook salmon in Washington, Oregon, Idaho, and California as identified in Table 1 of this subpart. Chinook salmon EFH also includes the estuarine and marine areas extending from the extreme high tide line in nearshore and tidal submerged environments within state territorial waters out to the full extent of the exclusive economic zone (EEZ) (200 nautical miles) offshore of Washington, Oregon, and California north of Point Conception; and the marine areas of Alaska that are designated as Chinook salmon EFH by the North Pacific Fishery Management Council (NPFMC), for stocks that are also managed by the PFMC.

(b) Coho salmon EFH includes all water bodies currently or historically occupied by PFMC-managed coho salmon in Washington, Oregon, Idaho, and California as identified in Table 1 of this subpart. Coho salmon EFH also includes the estuarine and marine areas extending from the extreme high tide line in nearshore and tidal submerged environments within state territorial waters out to the full extent of the EEZ (200 nautical miles) offshore of Washington, Oregon, and California north of Point Conception; and the marine areas of Alaska that are designated as coho salmon EFH by the NPFMC, for stocks that are also managed by the PFMC.

(c) Puget Sound pink salmon EFH includes all water bodies currently or historically occupied by PFMC-managed Puget Sound pink salmon in Washington State as identified in Table 1 of this subpart. Puget Sound pink salmon EFH also includes the estuarine and marine areas extending from the extreme high tide line in nearshore and tidal submerged environments within state territorial waters north and east of Cape Flattery, Washington, including Puget Sound, the Strait of Juan de Fuca and Strait of Georgia; the waters of the U.S. EEZ north of 48° N latitude to the U.S.-Canada border; and marine areas of Alaska that are designated as pink salmon EFH by the NPFMC, for stocks that are also managed by the PFMC.

TABLE 1 TO SUBPART H OF PART 660—PACIFIC SALMON EFH IDENTIFIED BY USGS HYDROLOGIC UNIT CODE (HUC)

4th Field hydrologic unit code	Hydrologic unit name	State(s)	Chinook salmon	Coho salmon	Puget Sound pink salmon	Impassable dam(s)
17020005	Chief Joseph	WA	X	X	—	Chief Joseph Dam.
17020006	Okanogan	WA	X	—	—	n/a.
17020007	Similkameen	WA	X	—	—	n/a.
17020008	Methow	WA	X	X	—	n/a.
17020009	Lake Chelan	WA	X	—	—	n/a.
17020010	Upper Columbia—Entiat	WA	X	X	—	n/a.
17020011	Wenatchee	WA	X	X	—	n/a.
17020012	Moses Coulee	WA	X	X	—	n/a.
17020015	Lower Crab	WA	X	—	—	n/a.
17020016	Upper Columbia—Priest Rapids.	WA	X	X	—	n/a.
17030001	Upper Yakima	WA	X	X	—	Keechelus Dam, Kachess Dam (Kachess River).
17030002	Naches	WA	X	X	—	Rimrock Dam (Tieton River).
17030003	Lower Yakima	WA	X	X	—	n/a.
17060101	Hells Canyon	OR/ID	X	—	—	Hells Canyon Dam.
17060102	Imnaha River	OR/ID	X	—	—	n/a.
17060103	Lower Snake—Asotin	OR/WA/ID	X	X	—	n/a.
17060104	Upper Grande Ronde River.	OR	X	X	—	n/a.
17060105	Wallowa River	OR	X	X	—	n/a.
17060106	Lower Grande Ronde	OR/WA	X	X	—	n/a.
17060107	Lower Snake—Tucannon	WA	X	X	—	n/a.
17060108	Palouse River	WA	X	—	—	n/a.
17060110	Lower Snake River	WA	X	X	—	n/a.
17060201	Upper Salmon	ID	X	—	—	n/a.
17060202	Pahsimeroi	ID	X	—	—	n/a.
17060203	Middle Salmon—Panther	ID	X	—	—	n/a.
17060204	Lemhi	ID	X	—	—	n/a.
17060205	Upper Middle Fork Salmon	ID	X	—	—	n/a.
17060206	Lower Middle Fork Salmon	ID	X	—	—	n/a.

TABLE 1 TO SUBPART H OF PART 660—PACIFIC SALMON EFH IDENTIFIED BY USGS HYDROLOGIC UNIT CODE (HUC)—Continued

4th Field hydrologic unit code	Hydrologic unit name	State(s)	Chinook salmon	Coho salmon	Puget Sound pink salmon	Impassable dam(s)
17060207	Middle Salmon—Chamberlain.	ID	X	—	—	n/a.
17060208	South Fork Salmon	ID	X	—	—	n/a.
17060209	Lower Salmon	ID	X	—	—	n/a.
17060210	Little Salmon	ID	X	—	—	n/a.
17060301	Upper Selway	ID	X	X	—	n/a.
17060302	Lower Selway	ID	X	X	—	n/a.
17060303	Lochsa	ID	X	—	—	n/a.
17060304	Middle Fork Clearwater	ID	X	X	—	n/a.
17060305	South Fork Clearwater	ID	X	X	—	n/a.
17060306	Clearwater	WA/ID	X	X	—	n/a.
17060308	Lower North Fork Clearwater.	ID	X	—	—	Dworshak Dam.
17070101	Middle Columbia—Lake Wallula.	OR/WA	X	X	—	n/a.
17070103	Umatilla	OR	X	X	—	McKay Dam (McKay Creek).
17070105	Middle Columbia—Hood	OR/WA	X	X	—	n/a.
17070106	Klickitat	WA	X	X	—	n/a.
17070306	Lower Deschutes	OR	X	X	—	n/a.
17080001	Lower Columbia—Sandy	OR/WA	X	X	—	Bull Run Dam #2.
17080002	Lewis	WA	X	X	—	n/a.
17080003	Lower Columbia—Clatskanie.	OR/WA	X	X	—	n/a.
17080004	Upper Cowlitz	WA	X	X	—	n/a.
17080005	Cowlitz	WA	X	X	—	n/a.
17080006	Lower Columbia	OR/WA	X	X	—	n/a.
17090001	Middle Fork Willamette	OR	X	—	—	n/a.
17090002	Coast Fork Willamette	OR	X	—	—	Dorena Dam.
17090003	Upper Willamette	OR	X	X	—	n/a.
17090004	McKenzie	OR	X	X	—	Cougar Dam [1].
17090005	North Santiam	OR	X	X	—	Big Cliff Dam [2].
17090006	South Santiam	OR	X	X	—	n/a.
17090007	Middle Willamette	OR	X	X	—	n/a.
17090008	Yamhill	OR	X	X	—	n/a.
17090009	Molalla—Pudding	OR	X	X	—	n/a.
17090010	Tualatin	OR	X	X	—	n/a.
17090011	Clackamas	OR	X	X	—	n/a.
17090012	Lower Willamette	OR	X	X	—	n/a.
17100101	Hoh—Quillayute	WA	X	X	—	n/a.
17100102	Queets—Quinault	WA	X	X	—	n/a.
17100103	Upper Chehalis	WA	X	X	—	n/a.
17100104	Lower Chehalis	WA	X	X	—	n/a.
17100105	Grays Harbor	WA	X	X	—	n/a.
17100106	Willapa	WA	X	X	—	n/a.
17100201	Necanicum	OR	X	X	—	n/a.
17100202	Nehalem	OR	X	X	—	n/a.
17100203	Wilson—Trask—Nestucca	OR	X	X	—	n/a.
17100204	Siletz—Yaquina	OR	X	X	—	n/a.
17100205	Alsea	OR	X	X	—	n/a.
17100206	Siuslaw	OR	X	X	—	n/a.
17100207	Siltcoos	OR		X	—	n/a.
17100301	North Umpqua	OR	X	X	—	n/a.
17100302	South Umpqua	OR	X	X	—	n/a.
17100303	Umpqua	OR	X	X	—	n/a.
17100304	Coos	OR	X	X	—	n/a.
17100305	Coquille	OR	X	X	—	n/a.
17100306	Sixes	OR	X	X	—	n/a.
17100307	Upper Rogue	OR	X	X	—	Lost Creek Dam.
17100308	Middle Rogue	OR	X	X	—	Emigrant Dam.
17100309	Applegate	CA/OR	X	X	—	Applegate Dam.
17100310	Lower Rogue	OR	X	X	—	n/a.
17100311	Illinois	CA/OR	X	X	—	n/a.
17100312	Chetco	CA/OR	X	X	—	n/a.
17110001	Fraser	WA	X	X	—	n/a.
17110002	Strait of Georgia	WA	X	X	X	n/a.
17110003	San Juan Islands	WA	—	X	—	n/a.
17110004	Nooksack	WA	X	X	X	n/a.

TABLE 1 TO SUBPART H OF PART 660—PACIFIC SALMON EFH IDENTIFIED BY USGS HYDROLOGIC UNIT CODE (HUC)—Continued

4th Field hydrologic unit code	Hydrologic unit name	State(s)	Chinook salmon	Coho salmon	Puget Sound pink salmon	Impassable dam(s)
17110005	Upper Skagit	WA	X	X	X	Gorge Lake Dam.
17110006	Sauk	WA	X	X	X	n/a.
17110007	Lower Skagit	WA	X	X	X	n/a.
17110008	Stillaguamish	WA	X	X	X	n/a.
17110009	Skykomish	WA	X	X	X	n/a.
17110010	Snoqualmie	WA	X	X	X	Tolt Dam (S. Fork Tolt River).
17110011	Snohomish	WA	X	X	X	n/a.
17110012	Lake Washington	WA	X	X	.....	Cedar Falls (Masonry) Dam (Cedar River).
17110013	Duwamish	WA	X	X	X	n/a.
17110014	Puyallup	WA	X	X	X	n/a.
17110015	Nisqually	WA	X	X	X	n/a.
17110016	Deschutes	WA	X	X	.....	n/a.
17110017	Skokomish	WA	X	X	X	n/a.
17110018	Hood Canal	WA	X	X	X	n/a.
17110019	Puget Sound	WA	X	X	X	n/a.
17110020	Dungeness—Elwha	WA	X	X	X	n/a.
17110021	Crescent—Hoko	WA	X	X	—	n/a.
18010101	Smith River	CA/OR	X	X	—	n/a.
18010102	Mad—Redwood	CA	X	X	—	Robert W. Matthews Dam.
18010103	Upper Eel	CA	X	X	—	Scott Dam.
18010104	Middle Fork Eel	CA	X	X	—	n/a.
18010105	Lower Eel	CA	X	X	—	n/a.
18010106	South Fork Eel	CA	X	X	—	n/a.
18010107	Mattole	CA	X	X	—	n/a.
18010108	Big—Navarro—Garcia	CA	X	X	—	n/a.
18010109	Gualala—Salmon	CA	X	X	—	n/a.
18010110	Russian	CA	X	X	—	Coyote Valley Dam (E. Fork Russian R.) Warm Springs Dam (Dry Cr.).
18010206	Upper Klamath	CA/OR	X	X	—	Keno Dam.
18010207	Shasta	CA	X	X	—	Dwinnell Dam.
18010208	Scott	CA	X	X	—	n/a.
18010209	Lower Klamath	CA/OR	X	X	—	n/a.
18010210	Salmon	CA	X	X	—	n/a.
18010211	Trinity	CA	X	X	—	Lewiston Dam.
18010212	South Fork Trinity	CA	X	X	—	n/a.
18020104	Sacramento—Stone Corral	CA	X	—	—	n/a.
18020111	Lower American	CA	X	—	—	Nimbus Dam.
18020115	Upper Stony	CA	X	—	—	Black Butte Dam.
18020116	Upper Cache	CA	X	—	—	Capay Dam[3].
18020125	Upper Yuba	CA	X	—	—	n/a.
18020126	Upper Bear	CA	X	—	—	Camp Far West Dam.
18020151	Cow Creek	CA	X	—	—	n/a.
18020152	Cottonwood Creek	CA	X	—	—	n/a.
18020153	Battle Creek	CA	X	—	—	n/a.
18020154	Clear Creek—Sacramento River.	CA	X	—	—	Keswick Dam (Sacramento R.), Whiskeytown Dam (Clear Creek).
18020155	Paynes Creek—Sacramento River.	CA	X	—	—	n/a.
18020156	Thomes Creek—Sacramento River.	CA	X	—	—	n/a.
18020157	Big Chico Creek—Sacramento River.	CA	X	—	—	n/a.
18020158	Butte Creek	CA	X	—	—	n/a.
18020159	Honcut Headwaters—Lower Feather.	CA	X	—	—	Feather River Fish Barrier Dam.
18020161	Upper Coon—Upper Auburn[4].	CA	X	—	—	n/a.
18020162	Upper Putah	CA	X	—	—	Monticello Dam.
18020163	Lower Sacramento	CA	X	—	—	n/a.
18040001	Middle San Joaquin—Lower Chowchilla[5].	CA	X	—	—	Buchanan Dam (Chowchilla River), Bear Dam (Bear Creek), Owens Dam (Owens Creek), Mariposa Dam.

TABLE 1 TO SUBPART H OF PART 660—PACIFIC SALMON EFH IDENTIFIED BY USGS HYDROLOGIC UNIT CODE (HUC)—Continued

4th Field hydrologic unit code	Hydrologic unit name	State(s)	Chinook salmon	Coho salmon	Puget Sound pink salmon	Impassable dam(s)
18040002	Lower San Joaquin River[5]	CA	X	—	—	n/a.
18040003	San Joaquin Delta	CA	X	—	—	n/a.
18040007	Fresno River	CA	X	—	—	Hidden Dam.
18040008	Upper Merced	CA	X	—	—	Crocker—Huffman Diversion Dam.
18040009	Upper Tuolumne	CA	X	—	—	La Grange Dam (Tuolumne R.).
18040010	Upper Stanislaus	CA	X	—	—	Goodwin Dam.
18040011	Upper Calaveras	CA	X	—	—	New Hogan Dam.
18040012	Upper Mokelumne	CA	X	—	—	Camanche Dam.
18040013	Upper Cosumnes	CA	X	—	—	n/a.
18050001	Suisun Bay	CA	X	—	—	n/a.
18050002	San Pablo Bay	CA	X	X	—	San Pablo Dam (San Pablo Cr.).
18050003	Coyote	CA	X	X	—	LeRoy Anderson Dam.
18050004	San Francisco Bay	CA	X	X	—	n/a.
18050005	Tomales—Drake Bays	CA	X	X	—	Nicasio Dam (Nicasio Cr.), Peters Dam (Lagunitas Cr.).
18050006	San Francisco Coastal South.	CA	—	X	—	n/a.
18060015	Monterey Bay[6]	CA	—	X	—	Newell Dam (Newell Cr.).

[1] Cougar Dam is a barrier to coho salmon only. Chinook salmon are trapped and hauled above the dam.
[2] Big Cliff Dam is a barrier to coho salmon only. Chinook salmon are trapped and hauled above the dam.
[3] Capay Dam was selected as the upstream extent of EFH because it was identified as a complete barrier by NMFS biologists and is located in the vicinity of the historical upstream extent of Chinook salmon distribution.
[4] Natural ''lower falls'' are downstream of any artificial barriers that would meet the criteria for designating them as the upstream extent of EFH; therefore, the upstream extent of EFH within this HU is at the ''lower falls''.
[5] EFH for Chinook salmon in the Middle San Joaquin-Lower Chowchilla HU (18040001) and Lower San Joaquin River HU (18040002) includes the San Joaquin River, its eastern tributaries, and the lower reaches of the western tributaries. Although there is no evidence of current or historical Chinook salmon distribution in the western tributaries (Yoshiyama *et al.* 2001), the lower reaches of these tributaries could provide juvenile rearing habitat or refugia from high flows during floods as salmon migrate along the mainstem in this area.
[6] EFH for coho salmon in the Monterey Bay HU does not include the sections south of the Pajaro HU (18060002).

[FR Doc. 2014–22442 Filed 9–19–14; 8:45 am]
BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 697

[Docket No. 0912011421–0200–01]

RIN 0648–AY41

Atlantic Coastal Fisheries Cooperative Management Act Provisions; Weakfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; withdrawal.

SUMMARY: NMFS withdraws a proposed rule proposing a 100 lb (45 kg) per day or trip commercial possession limit for weakfish (*Cynoscion regalis*) caught in the Exclusive Economic Zone (EEZ) and setting the recreational possession limit at 1 fish per person per day or trip. The intent of the proposed rule was to modify regulations for the Atlantic coastal stock of weakfish to be more compatible with Addendum IV to Amendment 4 of the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan (ISFMP). The Commission has now concluded that existing Federal regulations are conservationally equivalent to state regulations; therefore, changes to current EEZ regulations are no longer needed. Such action is authorized under the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act).

DATES: The proposed rule published on May 12, 2010 (75 FR 26703) is withdrawn as of September 22, 2014.

FOR FURTHER INFORMATION CONTACT: Steve Meyers, (301) 427–8500.

SUPPLEMENTARY INFORMATION:

Background

At the request of the Commission, NMFS explored management measures to modify weakfish conservation measures in the EEZ under the authority of the Atlantic Coastal Act, 16 U.S.C. 5103, which states that, in the absence of an approved and implemented Fishery Management Plan under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and, after consultation with the appropriate Fishery Management Council(s), the Secretary of Commerce (Secretary) may implement regulations to govern fishing in the EEZ (i.e., from 3 to 200 nm offshore).

On November 3, 2009, the Commission adopted Addendum IV to Amendment 4 to the ISFMP for Weakfish (Addendum IV), in response to the stock status of weakfish. A peer-reviewed assessment found the weakfish stock to be depleted. The decline in biomass reflects a sustained rise in natural mortality after 1995, rather than fishing mortality, which has been modest and stable over the same time period. As a result, the Commission's Weakfish Management Board approved management measures to reduce exploitation by more than 50-percent in both the recreational and commercial sectors. Addendum IV

requires states to implement a 100 lb (45 kg) commercial trip limit, a 100 lb (45 kg) commercial bycatch limit during closed seasons, and a one-fish recreational creel limit. Addendum IV maintains the current 12 in (30.5 cm) minimum size for weakfish. The sale of undersized fish continues to be prohibited.

In May 2010, NMFS published a proposed rule and request for comments to establish compatible regulations. Existing regulations prohibited possession of more than 150 lb per trip and fishing for weakfish less than 12 in (30.5 cm); there was no recreational bag limit.

In August 2010, NMFS received a letter from the Commission informing NMFS that all states would retain a commercial limit of 100 lb (45 kg) except for North Carolina, which would have a 1,000 lb (450 kg) possession limit. The Commission's Weakfish Technical Committee had concluded that, as the stock decline was the result of natural mortality and not fishing mortality, the 1,000 lb (450 kg) limit would be conservationally equivalent to a 100 lb (45 kg) limit. The Commission defines conservation equivalency as actions which differ from the specific requirements of the ISFMP, but which achieve the same quantified level of conservation for the resource under management. To support Addendum IV, the Commission had requested that the 1,000 lb (450 kg) limit be established in the EEZ adjacent to North Carolina, with all other Atlantic states having a 100 lb limit in the adjacent EEZ.

In March 2014, NMFS received a letter from the Commission stating that North Carolina had implemented the 100 lb (45 kg) commercial limit and ended the 1,000 lb (450 kg) limit. The letter further stated that the Commission was withdrawing its request to change the weakfish regulations in the EEZ because the existing regulations are conservationally equivalent to state regulations.

Weakfish harvested in the EEZ do not result in high ex-vessel sales and as such they are seldom targeted by recreational and commercial fishermen. To the extent weakfish are caught, it is only as bycatch and presumed dead, so the difference between a 100 lb and 150 lb limit provides no additional conservation. The same can be said for recreational harvest, given that it minimally exists in the EEZ and harvest is controlled by state landing limits. Per the Commission's request, we are withdrawing the proposed rule.

Authority: 16 U.S.C. 5101 et seq.

Dated: September 16, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–22509 Filed 9–19–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 79, No. 183
Monday, September 22, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Document No. AMS–FV–14–0025, FV–14–327]

United States Standard of Identity for Honey; Extension of Comment Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; extension of comment period.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is extending the comment period for the solicitation of comments on how a Federal standard of identity for honey would be in the interest of consumers, the honey industry, and U.S. agriculture.

DATES: AMS is extending the comment period on the notice published August 20, 2014 (79 FR 49279). Comments must be received by October 19, 2014.

ADDRESSES: Interested persons are invited to submit written comments via the Internet at *http://www.regulations.gov* or to Brian E. Griffin, Standardization Branch, Specialty Crops Inspection Division, Fruit and Vegetable Program, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 0709–South Building; STOP 0247, Washington, DC 20250; telephone (202) 720–5021; fax (202) 690–1527, email *brian.griffin@ams.usda.gov.* Comments should make reference to the date and page number of this issue of the **Federal Register** and will be made available for public inspection at the above office during regular business hours.

Please be advised that all comments submitted in response to this notice will be included in the record and will be made available to the public on the Internet via *http://www.regulations.gov.* Also, the identity of the individuals or entities submitting the comments will be made public.

FOR FURTHER INFORMATION CONTACT: Brian E. Griffin, Standardization Branch, Specialty Crops Inspection Division, Agricultural Marketing Service, U.S. Department of Agriculture, telephone (202) 720–5021or fax (202) 690–1527.

Background

In the **Federal Register** of August 20, 2014 (79 FR 49279), AMS published a notice requesting comment on how a Federal standard of identity for honey would be in the interest of consumers, the honey industry, and U.S. agriculture with a 30-day comment period. Comments received from this notice will be utilized in the preparation of a report from the Secretary of Agriculture to the Commissioner of Food and Drugs describing how a Federal standard of identity for honey would be in the interest of consumers, the honey industry, and U.S. agriculture.

AMS has received correspondence from an interested person requesting a 30-day extension of the comment period for the notice. Concern was expressed that the initial 30-day comment period does not allow sufficient time for meaningful public participation. AMS believes that a 30-day extension will allow adequate time for interested persons to submit comments without causing a significant delay.

Authority: Section 10012 of the Agricultural Act of 2014 (Pub. L. 113–79).

Dated: September 16, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–22406 Filed 9–19–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0042]

Dow AgroSciences LLC; Determination of Nonregulated Status of Herbicide Resistant Corn and Soybeans

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that three varieties of herbicide resistant corn and soybeans produced by Dow AgroSciences LLC are no longer considered regulated articles under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by the Dow AgroSciences LLC in its three petitions for a determination of nonregulated status, our analysis of publically available scientific data, and comments received from the public on the petition for nonregulated status and its associated environmental impact statement and plant pest risk assessments. This notice also announces the availability of our written determination and record of decision.

DATES: *Effective Date:* September 22, 2014.

ADDRESSES: You may read the documents referenced in this notice and any comments we received in our reading room. The reading room is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming. Those documents are also available on the Internet at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS Petition Numbers 09–233–01p, 09–349–01p, and 11–234–01p and are posted with the comments we received on the Regulations.gov Web site at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0042.*

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov.* To obtain copies of the documents referenced in this notice, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant

Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to APHIS seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

APHIS received three petitions (referred to below as ''the petitions'') from Dow AgroSciences LLC seeking determinations of nonregulated status for corn and soybean cultivars genetically engineered to be resistant to herbicides. The first petition, APHIS Petition Number 09–233–01p, seeks a determination of nonregulated status for corn (*Zea mays*) designated as event DAS–40278–9, which has been genetically engineered for increased resistance to certain broadleaf herbicides in the phenoxy auxin group (particularly the herbicide 2,4–D) and resistance to grass herbicides in the aryloxyphenoxypropionate (AOPP) acetyl coenzyme A carboxylase (ACCase) inhibitor group (i.e., ''fop'' herbicides, such as quizalofop-p-ethyl). The second petition, APHIS Petition Number 09–349–01p, seeks a determination of nonregulated status for soybean (*Glycine max*) designated as event DAS–68416–4, which has been genetically engineered for resistance to certain broadleaf herbicides in the phenoxy auxin growth regulator group (particularly the herbicide 2,4–D) and the nonselective herbicide glufosinate. The third petition, APHIS Petition Number 11–234–01p, seeks a determination of nonregulated status for soybean designated as event DAS–44406–6, which has been genetically engineered for resistance to certain broadleaf herbicides in the auxin growth regulator group (particularly the herbicide 2,4–D) and the nonselective herbicides glyphosate and glufosinate. The petitions state that these articles are unlikely to pose a plant pest risk and, therefore, should not be regulated articles under APHIS' regulations in 7 CFR part 340.

Notices were published [1] in the **Federal Register** for each petition advising the public that APHIS had received the petition and was seeking public comments on the petition. The notices for the first two petitions (DAS–40278–9 corn and DAS–68416–4 soybean) additionally sought comment on our plant pest risk assessment (PPRA) and our draft environmental assessment (EA) for each petition.

Following review of public comments, we published another notice [2] in the **Federal Register** on May 16, 2013 (78 FR 28798–28800, Docket No. APHIS–2013–0042), advising the public of our intent to prepare an environmental impact statement (EIS) for the potential determination of nonregulated status requested by the petitions. APHIS decided to prepare an EIS in order to perform a comprehensive environmental analysis of the potential environmental impacts that may occur as a result of granting a determination of nonregulated status for these three events.

National Environmental Policy Act and Record of Decision

To provide the public with documentation of APHIS' review and analysis of the potential environmental impacts associated with a determination of nonregulated status of DAS–40278–9 corn, DAS–68416–4 soybean, and DAS–44406–6 soybean, an EIS has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

A notice of availability regarding the draft EIS prepared by APHIS was published by the Environmental Protection Agency (EPA) in the **Federal Register** on January 10, 2014 (79 FR 1861–1862, Docket No. ER–FRL–9012–9). Along with the draft EIS,[3] APHIS also made available the PPRA for the third petition, DAS–44406–6 soybean, along with the PPRAs for the first two petitions (DAS–40278–9 corn and DAS–68416–4 soybean). APHIS reviewed and evaluated all of the public comments received on the draft EIS and prepared formal responses to them as part of the final EIS.

A notice of availability regarding the final EIS prepared by APHIS was published by EPA in the **Federal Register** on August 8, 2014 (79 FR 46439, Docket No. ER–FRL–9016–3). The NEPA implementing regulations in 40 CFR 1506.10 require a minimum 30-day review period between the time the notice of availability of a final EIS is published and the time an agency makes a decision on an action covered by the EIS. APHIS has reviewed and evaluated the comments received during the 30-day review period and has concluded that it has fully and appropriately analyzed the relevant environmental issues covered by the final EIS and those comments. Based on our final EIS, the response to public comments, and other pertinent scientific data, APHIS has prepared a record of decision for the final EIS.

Determination of Nonregulated Status

Based on APHIS' analysis of field and laboratory data submitted by Dow AgroSciences LLC, references provided in the petitions, peer-reviewed publications, information analyzed in the EIS, the PPRAs, comments provided by the public, and APHIS' evaluation of and response to those comments, APHIS has determined that DAS–40278–9 corn, DAS–68416–4 soybean, and DAS–44406–6 soybean are unlikely to pose a plant pest risk. Accordingly, the petitions requesting a determination of nonregulated status are approved and DAS–40278–9 corn, DAS–68416–4 soybean, and DAS–44406–6 soybean are no longer subject to our regulations governing the introduction of certain genetically engineered organisms and to the plant pest provisions of the Plant Protection Act.

Copies of the three signed determination documents for nonregulated status and the signed record of decision for the EIS, as well as copies the final EIS and the three PPRAs are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

[1] Docket No. APHIS–2010–0103 published on December 27, 2011, 76 FR 80872–80873; Docket No. APHIS–2012–0019 published on July 13, 2012, 77 FR 41367–41368; and Docket No. APHIS–2012–0032 published on July 13, 2012, 77 FR 41361–41362. The **Federal Register** notices for the petitions and supporting and related materials, including public comments, are available at *http://www.regulations.gov/#!docketDetail;D=APHIS-2010-0103; http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0019;* and *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0032.*

[2] To view the notice the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0042.*

[3] To view the draft EIS, final EIS, supporting documents, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0042.*

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 15th day of September 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–22409 Filed 9–19–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule Committee (Committee) will meet in Arlington, VA. Attendees may also participate via webinar and conference call. The Committee operates in compliance with the Federal Advisory Committee Act (FACA) (Pub. L. 92–463). Additional information relating to the Committee can be found by visiting the Committee's Web site at: *http://www.fs.usda.gov/main/planningrule/committee.*

DATES: The meetings will be held, in-person and via webinar/conference call on the following dates and times:

- Tuesday, September 30, 2014 from 9:00 a.m. to 5:00 p.m. EST
- Wednesday, October 1, 2014 from 9:00 a.m. to 5:00 p.m. EST
- Thursday, October 2, 2014 from 9:00 a.m. to 3:00 p.m. EST

ADDRESSES: The meetings will be located at the Sheraton Pentagon City, 900 S Orme St., Arlington, VA. For anyone who would like to attend via webinar and/or conference call, please visit the Web site listed above or contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. Written comments must be sent to USDA Forest Service, Ecosystem Management Coordination, 201 14th Street SW., Mail Stop 1104, Washington, DC 20250–1104. Comments may also be sent via email to Jennifer Helwig at *jahelwig@fs.fed.us.*

All comments are placed in the record and are available for public inspection and copying, including names and addresses when provided. The public may inspect comments received at the USDA Forest Service Washington Office—Yates Building. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Jennifer Helwig, Committee Coordinator by phone at 202–205–0892 or email at *jahelwig@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to provide ongoing advice and recommendations on implementation of the planning rule. This meeting is open to the public.

The following business will be conducted:

1. Discussion of Committee scope of work for the next two years
2. Discussion of Committee work groups
3. Administrative tasks

The agenda and a summary of the meeting will be posted on the Committee's Web site within 21 days of the meeting.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: September 11, 2014.

Brian Ferebee,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2014–22503 Filed 9–19–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Basin Electric Power Cooperative, Inc.: Antelope Valley Station—Neset 345-kV Transmission Line Project: Notice of Availability of the Record of Decision

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Availability of the Record of Decision.

SUMMARY: The Rural Utilities Service (RUS), an agency within the U.S. Department of Agriculture (USDA), has issued a Record of Decision (ROD) to meet its responsibilities under the National Environmental Policy Act (NEPA), RUS's Environmental Policies and Procedures, 7 CFR part 1794, and other applicable environmental requirements related to providing financial assistance for Basin Electric Power Cooperative's (Basin Electric) proposed Antelope Valley Station (AVS) to Neset 345-kV Transmission Project (Project) in North Dakota. The Administrator of RUS has signed the ROD, which was effective upon signing. This ROD concludes RUS's environmental review process in accordance with NEPA and RUS's Environmental Policies and Procedures (7 CFR part 1794). The ultimate decision as to loan approval depends on the conclusion of the environmental review process plus financial and engineering analyses. Issuance of the ROD will allow these reviews to proceed. This ROD is not a decision on Basin's loan application and is not an approval of the expenditure of federal funds.

ADDRESSES: Copies of the ROD are available upon request from Mr. Dennis Rankin, Engineering and Environmental Staff, Rural Utilities Service, 1400 Independence Avenue SW., Stop 1571, Washington, DC 20250–1571, Tel: (202) 720–1953 or email: *mailto:dennis.rankin@wdc.usda.gov.* The ROD is also available at RUS's Web site at *http://www.rurdev.usda.gov/UWP-AVS-Neset.html.*

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Rankin, Engineering and Environmental Staff, Rural Utilities Service, 1400 Independence Avenue SW., Stop 1571, Washington, DC 20250–1571, Tel: (202) 720–1953, or email: *dennis.rankin@wdc.usda.gov.* The ROD is also available at RUS's Web site at *http://www.rurdev.usda.gov/UWP-AVS-Neset.html.*

SUPPLEMENTARY INFORMATION: Basin Electric is a regional wholesale electric generation and transmission cooperative owned and controlled by its member cooperatives. Basin Electric serves approximately 2.5 million customers covering 430,000 square miles in portions of nine states, including Colorado, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming.

Basin Electric has identified the need for additional electric transmission capacity in northwestern North Dakota to meet reliability and system stability requirements for the region resulting from increases in demand and load forecasts. Investigations and analyses conducted for the overall power delivery systems found that without improvements, the flow of power along existing lines may result in local line overloads, especially in the vicinity of Williston, North Dakota.

To resolve these issues, Basin Electric is proposing to construct, own, and operate a new 345-kV transmission line and associated supporting infrastructure. The entire proposed Project will consist of constructing approximately 278 miles of new single circuit 345-kV, 230-kV and a double circuit 345/115-kV transmission line, the construction of 4 new substations and a switchyard, modifications to 4 existing substations, maintenance access roads, temporary construction roads, river crossings, temporary construction staging sites, and other facilities. The proposed Project would connect to the Integrated System, the high-voltage transmission grid in the upper Great Plains managed by Western Area Power Administration (Western), at several locations, including Western's Williston Substation. The new 345-kV transmission line would start at the AVS Electric Generation Station located near Beulah, North Dakota, and extend west where it would connect with Basin Electric's existing Charlie Creek 345-kV Substation located near Grassy Butte. The line would then extend north where it would connect with Basin Electric's proposed Judson Substation near Williston and terminate at Basin Electric's newly proposed Tande Substation. Additional 230-kV transmission lines would be constructed between the new Judson 345-kV Substation and Western's existing Williston Substation, between a new 345/230/115-kV substation referred to as the Blue Substation and Western's existing 230-kV transmission line, and also between the Tande 345-kV Substation and Basin Electric's existing Neset 230-kV Substation located near Tioga, North Dakota.

Three transmission line alternatives, two transmissions line variations in the Little Missouri National Grasslands (LMNG) and the No Action alternative were evaluated. Alternative C is described above, Alternative D is similar to Alternative C with the primary difference being the construction of building a double-circuit 345-kV line north of Killdeer for 63 miles to the Blue Substation. Alternative E is similar to Alternative D with the primary difference being the construction of two parallel 345-kV transmission lines north of Killdeer rather than a double-circuit line. The variations across the LMNG include double-circuiting the 345-kV line with Western's existing 230-kV transmission Line. The proposed Project is subject to the jurisdiction of the North Dakota Public Service Commission (NDPSC), which has regulatory authority for siting electrical transmission facilities within the State. Basin Electric has submitted applications to the NDPSC for Transmission Corridor and Route Permits. The NDPSC permits would authorize Basin Electric to construct the proposed Project under North Dakota rules and regulations.

RUS is authorized under the Rural Electrification Act of 1936 to make loans and loan guarantees that finance the construction of electric distribution, transmission, and generation facilities, including system improvements and replacements required to furnish and improve electric service in rural areas, as well as demand-side management, energy conservation programs, and on-grid and off-grid renewable energy systems. Basin Electric intends to request financial assistance from RUS for the proposed Project. Along with other technical and financial considerations, completing the environmental review process is one of RUS's requirements in processing Basin Electric's application. RUS is the lead Federal agency for the environmental review of the proposed Project. The Western Area Power Administration (Western) and the U.S. Forest Service (USFS) are participating as cooperating agencies. Western may approve an interconnection agreement for the project with its transmission system and the USFS may issue a special use permit under the Federal Land Policy Management Act. In accordance with 36 CFR 800.2(a)(2), Western has been designated as the lead agency for Section 106 review of cultural resources and the Endangered Species Act, Section 7 review for threatened and endangered species. Western and USFS will issue separate RODs for their actions.

RUS prepared a Final Environmental Impact Statement (FEIS) and published a notice of availability in the **Federal Register** on May 30, 2014, 79 FR 31085, to analyze the impacts of the respective federal actions and the proposed Project in accordance with the NEPA, as amended, Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the NEPA (40 CFR parts 1500–1508) and RUS's Environmental Policies and Procedures (7 CFR part 1794). The FEIS also provided notice of proposed action in floodplains and wetlands. This Notice of Availability of the ROD serves as a final notice of action in floodplains and wetlands in accordance with Executive Orders 11988 and 11990.

Because the Project covers a large land area and access in some cases has been restricted, Western will complete Section 106 review using a Programmatic Agreement (PA) pursuant to 36 CFR 800.14(b)(1)(ii). The PA was executed by all appropriate parties on July 2, 2014. Based on consideration of the environmental impacts of the proposed Project and comments received throughout the agency and public review process, RUS has determined that alternative C as described above best meets the purpose and need for the proposed Project. RUS finds that the evaluation of reasonable alternatives is consistent with NEPA and RUS's Environmental Policies and Procedures. Details regarding RUS's regulatory decision and compliance with applicable regulations are included in the ROD.

Dated: September 13, 2014.

Jacqueline M. Ponti-Lazaruk,

Acting Administrator, USDA, Rural Utilities Service.

[FR Doc. 2014–22412 Filed 9–19–14; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Coastal Household Telephone Survey.

OMB Control Number: 0648-xxxx.

Form Number(s): NA.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 228,000.

Average Hours per Response: 2 minutes.

Burden Hours: 7,600.

Needs and Uses: This request is for a new information collection.

Marine recreational anglers are surveyed for catch and effort data, fish biology data, and angler socioeconomic characteristics. These data are required to carry out provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as amended, regarding conservation and management of fishery resources.

The Coastal Household Telephone Survey (CHTS) utilizes a computer-assisted, random-digit-dialing (RDD) approach to contact full-time, residential households located in coastal counties and collect information

about recent recreational fishing activity. Respondents are asked to recall the number of recreational saltwater fishing trips taken during a specific time period and to provide details about each fishing trip. Data collected from the CHTS are used to estimate the total number of recreational saltwater fishing trips by residents of coastal counties. CHTS estimates are combined with estimates derived from an independent survey, the Access-Point Angler Intercept Survey (APAIS), to estimate total, state-level fishing effort and catch, by species. These estimates are used in the development, implementation, and monitoring of fishery management programs by the NMFS, regional fishery management councils, interstate marine fisheries commissions, and state fishery agencies.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: September 16, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–22449 Filed 9–19–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committees

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (Census Bureau) is giving notice of a meeting of the National Advisory Committee on Racial, Ethnic and Other Populations (NAC). The NAC will address census policies, research and methodology, tests, operations, communications/messaging, and other activities to ascertain needs and best practices to improve censuses, surveys, operations, and programs. The NAC will meet in a plenary session on October 9–10, 2014. Last-minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: October 9–10, 2014. On October 9, the meeting will begin at approximately 8:30 a.m. and end at approximately 5:00 p.m. On October 10, the meeting will begin at approximately 8:30 a.m. and end at approximately 1:00 p.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau, 4600 Silver Hill Road, Suitland, Maryland 20746.

FOR FURTHER INFORMATION CONTACT: Jeri Green, *Jeri.Green@census.gov,* Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 8H182, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–6590. For TTY callers, please use the Federal Relay Service 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The NAC comprises up to thirty-two members. The Committee provides an organized and continuing channel of communication between race, ethnic, and other populations and the Census Bureau. The Committee advises the Director of the Census Bureau on the full range of economic, housing, demographic, socioeconomic, linguistic, technological, methodological, geographic, behavioral, and operational variables affecting the cost, accuracy, and implementation of Census Bureau programs and surveys, including the decennial census.

The Committee is established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10(a)(b)).

All meetings are open to the public. A brief period will be set aside at the meeting for public comment on October 10. However, individuals with extensive questions or statements must submit them in writing to: *census.national.advisory.committee@census.gov* (subject line ''October 2014 NAC Meeting Public Comment''), or by letter submission to Committee Liaison Officer, October 2014 NAC Meeting, Department of Commerce, U.S. Census Bureau, Room 8H182, 4600 Silver Hill Road, Washington, DC 20233. Such submissions will be included in the record for the meeting if received by Wednesday, October 8, 2014.

If you plan to attend the meeting, please register by Monday, October 6, 2014. You may access the online registration from the following link: *https://www.regonline.com/nac_oct2014_meeting.* Seating is available to the public on a first-come, first-served basis.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Committee Liaison Officer as soon as possible, preferably two weeks prior to the meeting.

Due to increased security and for access to the meeting, please call 301–763–9906 upon arrival at the Census Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor's badge. Visitors are not allowed beyond the first floor.

Dated: September 16, 2014.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2014–22561 Filed 9–19–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Ming Suan Zhang, Inmate Number—00819–005, Moshannon Valley, Correctional Institution, 555 Geo Drive, Philipsburg, PA 16866; Order Denying Export Privileges

On December 10, 2013, in the U.S. District Court, Eastern District of New York, Ming Suan Zhang (''Zhang''), was convicted of violating the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)) (''IEEPA''). Specifically, Zhang knowingly, intentionally and willfully attempted to export from the United States to China, one or more spools of Toray type M60JB–3000–50B carbon fiber, without first having obtained the required license from the Department of Commerce. Zhang was sentenced to 57 months of imprisonment and fined a $100 assessment.

Section 766.25 of the Export Administration Regulations (''EAR'' or ''Regulations'') [1] provides, in pertinent part, that ''[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the Export Administration Act (''EAA''), the EAR, or any order, license or authorization

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2014). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. app. §§ 2401–2420 (2000)) (''EAA''). Since August 21, 2001, the EAA has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 7, 2014 (79 FR 46959 (August 11, 2014)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).

issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778).'' 15 CFR 766.25(a); *see also* Section 11(h) of the EAA, 50 U.S.C. app. § 2410(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. app. § 2410(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security's Office of Exporter Services may revoke any Bureau of Industry and Security (''BIS'') licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Zhang's conviction for violating the IEEPA, and have provided notice and an opportunity for Zhang to make a written submission to BIS, as provided in Section 766.25 of the Regulations. I have received a written submission from Zhang. However, the submission was not in English nor did it include an English translation. Subsequently, I notified Zhang that if he would like BIS to consider his written submission, he should resubmit the submission in English or provide an English translation. BIS did not receive a response in English or otherwise.

Based upon my review and consultations with BIS's Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Zhang's export privileges under the Regulations for a period of 10 years from the date of Zhang's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Zhang had an interest at the time of his conviction.

Accordingly, it is hereby

Ordered

I. Until December 10, 2023, Ming Suan Zhang, with a last known address at: Inmate Number: 00819–005, Moshannon Valley, Correctional Institution, 555 Geo Drive, Philipsburg, PA 16866, and when acting for or on behalf of Zhang, his representatives, assigns, agents or employees (the ''Denied Person''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Zhang by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order if necessary to prevent evasion of the Order.

IV. This Order is effective immediately and shall remain in effect until December 10, 2023.

V. In accordance with part 756 of the Regulations, Zhang may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

VI. A copy of this Order shall be delivered to Zhang. This Order shall be published in the **Federal Register**.

Issued this 15th day of September, 2014.

Karen H. Nies-Vogel,

Acting Director, Office of Exporter Services.

[FR Doc. 2014–22421 Filed 9–19–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–991]

Chlorinated Isocyanurates From the People's Republic of China: Final Affirmative Countervailing Duty Determination; 2012

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''Department'') published the *Preliminary Determination* of the countervailing duty (''CVD'') investigation of chlorinated isocyanurates (''isos'') from the People's Republic of China (''PRC'') on February 24, 2014.[1] The Department determines that countervailable subsidies are being provided to producers and exporters of isos from the PRC. For information on the estimated subsidy rates, *see* the ''Suspension of Liquidation'' section of this notice. The period of investigation is January 1, 2012 through December 31, 2012.

DATES: *Effective Date:* September 22, 2014.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey (Kangtai) or Paul Walker (Jiheng), AD/CVD Operations,

[1] *See Countervailing Duty Investigation of Chlorinated Isocyanurates from the People's Republic of China: Preliminary Determination and Alignment of Final Determination with Final Antidumping Determination,* 79 FR 10097 (February 24, 2014) (''*Preliminary Determination*'').

Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone 202.482.2312, or 202.482.0413, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published the *Preliminary Determination* on February 24, 2014.[2] Petitioners in this case are Clearon Corp. and Occidental Chemical Corporation. Between May 22 and July 18, 2014, we conducted a verification of the questionnaire responses of the Government of the PRC (''GOC''), Hebei Jiheng Chemicals Co., Ltd. (''Jiheng'') [3] and Juancheng Kangtai Chemical Co., Ltd. (''Kangtai''). Between July 31, 2014 and August 5, 2014, interested parties submitted case and rebuttal briefs. A full discussion of the issues raised by parties for this final determination may be found in the I&D Memo, which is hereby adopted by this notice.[4] The I&D Memo is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the I&D Memo can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed I&D Memo and the electronic versions are identical in content.

Scope Comments

In accordance with the preamble to the Department's regulations and as stated in the *Initiation*,[5] we set aside a period of time for parties to raise issues regarding product coverage. We encouraged all parties to submit comments within 20 calendar days of publication of the *Initiation.* No parties submitted scope comments in this investigation.

Scope of the Investigation

The products covered by this investigation are chlorinated isocyanurates. Chlorinated isocyanurates are derivatives of cyanuric acid, described as chlorinated s-triazine triones. There are three primary chemical compositions of chlorinated isocyanurates: (1) Trichloroisocyanuric acid (''TCCA'') ($Cl_3(NCO)_3$), (2) sodium dichloroisocyanurate (dihydrate) ($NaCl_2(NCO)_3$ X $2H_2O$), and (3) sodium dichloroisocyanurate (anhydrous) ($NaCl_2(NCO)_3$). Chlorinated isocyanurates are available in powder, granular and solid *(e.g.,* tablet or stick) forms.

Chlorinated isocyanurates are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.50.4000, 3808.94.5000, and 3808.99.9500 of the Harmonized Tariff Schedule of the United States (''HTSUS''). The tariff classification 2933.69.6015 covers sodium dichloroisocyanurates (anhydrous and dihydrate forms) and trichloroisocyanuric acid. The tariff classifications 2933.69.6021 and 2933.69.6050 represent basket categories that include chlorinated isocyanurates and other compounds including an unfused triazine ring. The tariff classifications 3808.50.4000, 3808.94.5000 and 3808.99.9500 cover disinfectants that include chlorinated isocyanurates. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the investigation is dispositive.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the I&D Memo. A list of the issues that parties raised, and to which we responded in the I&D Memo, is attached to this notice as an Appendix.

Use of Adverse Facts Available

For purposes of this final determination, we relied on facts available, and drawn an adverse inference, in accordance with sections 776(a) and (b) of the Tariff Act of 1930, as amended (''Act''), in determining the countervailability of the GOC's provision of electricity. The GOC provided no provincial-specific information in response to questions from the Department in its initial questionnaire response and in a supplemental questionnaire response. Because of the GOC's failure to respond to the Department's questions, necessary information regarding the GOC's provision of electricity is not on the record. Thus, we determine that we must rely on facts otherwise available in this final determination in analyzing this program.[6] Moreover, we find that the GOC failed to cooperate by not acting to the best of its ability and, consequently, an adverse inference is warranted in the application of facts available.[7] As adverse facts available, we determined that that the GOC's provision of electricity constitutes a financial contribution within the meaning of section 771(5)(D) of the Act and is specific within the meaning of section 771(5A) of the Act. We also relied on an adverse inference in selecting the benchmark for determining the existence and amount of the benefit. For a full discussion of this issue, *see* the I&D Memo at ''Use of Facts Otherwise Available and Adverse Inferences'' and Comment 1.

We also relied on facts available, and drew an adverse inference, in accordance with sections 776(a) and (b) of the Act, to determine the subsidy rate for the Jiheng Group's electricity for less than adequate remuneration. The Jiheng Group failed to report its electricity purchases for one of its branch companies, Jiheng Lantian Chemical Branch Company (''Lantian''). Because of the Jiheng Group's failure to report these purchases, necessary information regarding Lantian's electricity purchases are not on the record. Thus, we determine that we must rely on facts otherwise available in this final determination in calculating the Jiheng Group's CVD rate.[8] Moreover, we find that the Jiheng Group failed to cooperate by not acting to the best of its ability and, consequently, an adverse inference is warranted in the application of facts available.[9] As adverse facts available, we inferred that Lantian's purchases of

[2] *Id.*

[3] Including its cross-owned affiliates Hebei Jiheng Baikang Chemical Industry Co., Ltd. (''Baikang'') and the Hebei Jiheng Group Co., Ltd. (the ''Jiheng Group'').

[4] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Countervailing Duty Investigation of Chlorinated Isocyanurates from the People's Republic of China: Issues and Decision Memorandum for the Final Determination,'' dated concurrently with this notice (''I&D Memo'').

[5] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997); *Chlorinated Isocyanurates from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 78 FR 59001 (September 25, 2013) (''*Initiation*'').

[6] *See* sections 776(a)(1) and (a)(2)(A) of the Act (stating that the Department may make a determination based on facts available if ''(1) necessary information is not available on the record'' or ''(2) an interested party'' ''(A) withholds information that has been requested'' by the Department).

[7] *See* section 776(b) of the Act (permitting the Department to ''use an inference that is adverse to the interests of the party in selecting from among the facts otherwise available'' if ''an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information'' from the Department).

[8] *See* sections 776(a)(1) and (a)(2)(A) of the Act.

[9] *See* section 776(b) of the Act.

electricity occurred at the lowest possible rate, and that the benchmark used to calculate the benefit is from the high peak rate. For a full discussion of this issue, *see* the I&D Memo at ''Use of Facts Otherwise Available and Adverse Inferences'' and Comment 2.

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated a rate for each company respondent. Section 705(c)(5)(A)(i) of the Act states that, for companies not individually investigated, we will determine an ''all others'' rate equal to the weighted-average countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act.

Notwithstanding the language of section 705(c)(5)(A)(i) of the Act, we have not calculated the ''all others'' rate by weight averaging the rates of Jiheng and Kangtai because doing so risks disclosure of proprietary information. Therefore, we calculated a simple average of Jiheng's and Kangtai's rates.[10] Since both Jiheng and Kangtai received countervailable export subsidies and the ''all others'' rate is an average based on the individually investigated respondents, the ''all others'' rate includes export subsidies.

We determine the total estimated net countervailable subsidy rates to be:

Company	Subsidy rate
Hebei Jiheng Chemicals Co., Ltd.	20.06
Juancheng Kangtai Chemical Co., Ltd	1.55
All Others	10.81

Suspension of Liquidation

As a result of our *Preliminary Determination* and pursuant to section 703(d) of the Act, we instructed U.S. Customs and Border Protection (''CBP'') to suspend liquidation of all entries of subject merchandise from the PRC that were entered, or withdrawn from warehouse, for consumption on or after February 24, 2014, the date of the publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we issued instructions to CBP to discontinue the suspension of liquidation for CVD purposes for subject merchandise entered, or withdrawn from warehouse, on or after June 24, 2014, but to continue the suspension of liquidation of all entries from February 24, 2014, through June 23, 2014.

If the International Trade Commission (''ITC'') issues a final affirmative injury determination, we will issue a CVD order and reinstate the suspension of liquidation under section 706(a) of the Act, and we will require a cash deposit of estimated CVDs for such entries of merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (''APO''), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: September 8, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—I&D Memo

[FR Doc. 2014–22501 Filed 9–19–14; 8:45 am]

BILLING CODE 3510–DS–P

[10] *See, e.g., Certain Oil Country Tubular Goods From the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination,* 79 FR 41964, 41965 (July 18, 2014).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–018]

Boltless Steel Shelving Units Prepackaged for Sale From the People's Republic of China: Initiation of Antidumping Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* September 22, 2014.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta, Office V, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2593.

SUPPLEMENTARY INFORMATION:

The Petition

On August 26, 2014, the Department of Commerce (''Department'') received an antidumping duty (''AD'') petition concerning imports of boltless steel shelving units prepackaged for sale (''boltless steel shelving'') from the People's Republic of China (''PRC''), officially filed in proper form on behalf of the Edsal Manufacturing Company, Inc. (''Petitioner'').[1] The AD Petition was accompanied by a countervailing duty (''CVD'') petition concerning imports of boltless steel shelving from the PRC. On August 27, August 28, and September 9, 2014, the Department requested additional information and clarification of certain areas of the Petition.[2] On September 4 and 11, 2014,

[1] *See* Letter to the Secretary of Commerce from Petitioner ''Antidumping and Countervailing Duty Petition'' (August 26, 2014) (''Petition'').

[2] *See* Letter to Petitioner from Catherine Bertrand, Program Manager, Office V ''Petition for the Imposition of Antidumping Duties on Imports of Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China: Supplemental Questions'' (August 27, 2014); Letter to Petitioner from Catherine Bertrand, Program Manager, Office V ''Petition for the Imposition of Antidumping and Countervailing Duties on Imports of Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China: Supplemental Questions'' (August 28, 2014); Memo to the File from Vicki Flynn, Senior Import Policy Analyst ''Phone Call with Counsel to Petitioner'' (September 9, 2014).

Petitioner filed responses to these requests.[3]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (''the Act''), Petitioner alleges that imports of boltless steel shelving from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are a cause of material injury to the U.S. domestic industry producing boltless steel shelving or threaten to cause further material injury. Also, consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to Petitioner in support of its allegations.

The Department finds that Petitioner filed the Petition on behalf of the domestic industry because Petitioner is an interested party as defined in section 771(9)(C) of the Act. The Department also finds that Petitioner demonstrated sufficient industry support with respect to the initiation of the AD investigation that Petitioner is requesting.[4]

Period of Investigation

Because the Petition was filed on August 26, 2014, the period of investigation (''POI'') is January 1, 2014, through June 30, 2014.[5]

Scope of the Investigation

The product covered by this investigation is boltless steel shelving from the PRC. For a full description of the scope of the investigation, *see* the ''Scope of the Investigation'' at the Appendix of this notice.

Comments on the Scope of the Investigation

During our review of the Petition, the Department issued questions to, and received responses from, Petitioner pertaining to the proposed scope in order to ensure that the language of the scope is an accurate reflection of the products for which the domestic industry is seeking relief.[6] As discussed in the preamble to the Department's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[7] The period for scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determination. If scope comments include factual information,[8] all such factual information should be limited to public information. All such comments must be filed by 5:00 p.m. Eastern Time (''ET'') on October 6, 2014, which is 20 calendar days from the signature date of this notice.[9] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on October 16, 2014, which is 10 calendar days after the initial comments. The Department requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of the AD investigation, as well as the concurrent CVD investigation.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). An electronically filed document must be received successfully in its entirety by 5:00 p.m. ET on the date specified by the Department. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadline.[10]

Comments on the Product Characteristics for the AD Questionnaire

The Department requests comments from interested parties regarding the appropriate physical characteristics of boltless steel shelving to be reported in response to the Department's AD questionnaire. The Department will use this information to identify the key physical characteristics of the merchandise under consideration in order to report the relevant factors of production (''FOPs'') accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they believe are relevant to the development of an accurate list of physical characteristics. Specifically, interested parties may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, while there may be some physical product characteristics utilized by manufacturers to describe boltless steel shelving, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaire, we must receive comments on product characteristics no later than October 6, 2014. Rebuttal comments must be received no later than October 16, 2014. All comments and submissions to the Department must be filed electronically using IA ACCESS, as referenced above.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the

[3] *See* Letter to the Secretary of Commerce from Petitioner ''Response to Supplemental Questions Concerning General and Injury Section of the Petition'' (September 4, 2014) (''General Issues Supplement''); Letter to the Secretary of Commerce from Petitioner ''Response to Supplemental Questions Concerning Volume II of the Petition'' (September 4, 2014) (''AD Supplement''); Letter to the Secretary of Commerce from Petitioner ''Response to Second Supplemental Questionnaire Concerning Volume II of the Petition'' (September 11, 2014) (''Second AD Supplement'').

[4] *See* ''Determination of Industry Support for the Petition'' section, below.

[5] *See* 19 CFR 351.204(b)(1).

[6] *See* General Issues Supplement, at 2–13; Letter to the Secretary of Commerce from Petitioner ''Scope Clarification'' (September 11, 2104), at 3–4.

[7] *See Antidumping Duties; Countervailing Duties (Final Rule);* 62 FR 27296, 27323 (May 19, 1997).

[8] *See* 19 CFR 351.102(b)(21).

[9] As 20 days from the signature date will be Sunday, October 5, 2014, the next business day for filing comments will be Monday, October 6, 2014. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[10] *See* 19 CFR 351.303(b)(1); *see also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) for details of the Department's electronic filing requirements. Information on help using IA ACCESS can be found at *https://iaaccess.trade.gov/help.aspx* and a handbook can be found at *https://iaaccess.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) if there is a large number of producers in the industry, the Department may determine industry support using a statistically valid sampling method to poll the industry.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[11] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[12]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, Petitioner does not offer a definition of domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we have determined that boltless steel shelving, as defined in the scope of the investigation, constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[13]

In determining whether Petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation'' section above. To establish industry support, Petitioner provided its production of the domestic like product in 2013, and compared this to the total production of the domestic like product for the entire domestic industry.[14] We relied upon data Petitioner provided for purposes of measuring industry support.[15]

Based on information provided in the Petition and supplemental submission, we determine that Petitioner has met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[16] Based on information provided in the Petition and supplemental submission, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition. Accordingly, the Department determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.[17]

The Department finds that Petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it demonstrated sufficient industry support with respect to the AD investigation that it is requesting the Department initiate.[18]

Allegations and Evidence of Material Injury and Causation

Petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (''NV''). In addition, Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[19]

Petitioner contends that the industry's injured condition is illustrated by reduced market share; underselling and price depression or suppression; lost sales and revenues; reduced capacity utilization; and substantial financial harm.[20] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[21]

Allegation of Sales at Less Than Fair Value

The following is a description of the allegation of sales at less than fair value upon which the Department based its decision to initiate an investigation of imports of boltless steel shelving from the PRC. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the AD Initiation Checklist.

Export Price

Petitioner based export price (''EP'') for boltless steel shelving on offers for sale during the POI obtained during the ordinary course of business. Petitioner made adjustments to those prices for foreign inland freight, brokerage and handling at port of exportation, and unrebated value added tax to derive a U.S. net price.[22]

[11] *See* section 771(10) of the Act.

[12] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[13] *See* Antidumping Duty Investigation Initiation Checklist: Boltless Steel Shelving Prepackaged for Sale from the People's Republic of China (''AD Initiation Checklist''), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Boltless Steel Shelving Prepackaged for Sale from the People's Republic of China (''Attachment II''). This checklist is dated concurrently with this notice and on file electronically via IA ACCESS. Access to documents filed via IA ACCESS is also available in the Central Records Unit, Room 7046 of the main Department of Commerce building.

[14] *See* Volume I of the Petition, at 3–4 and Exhibit GEN–1; *see also* General Issues Supplement, at 15–16 and Exhibit 1.

[15] *See* AD Initiation Checklist, at Attachment II.

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] *See* Volume I of the Petition, at 16 and Exhibit GEN–2.

[20] *Id.,* at 16–20 and Exhibits GEN–2, GEN–5, GEN–6, and GEN–9 through GEN–11; *see also* General Issues Supplement, at 16 and Exhibit 2.

[21] *See* AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China.

[22] *See* Volume II of the Petition, at 2 and Exhibit AD–5; AD Supplement, at 2–3, Exhibit AD–Supp–

Normal Value

Petitioner states that the Department has treated the PRC as a non-market economy (''NME'') country for purposes of all antidumping proceedings in which it has been involved.[23] The Department has not revoked the presumption of NME status for the and, therefore, in accordance with section 771(18)(C)(i) of the Act, remains in effect for purposes of the initiation of this investigation. Accordingly, the NV of the product for this investigation is appropriately based on FOPs valued in a surrogate market-economy country in accordance with section 773(c) of the Act. In the course of this investigation, all parties will have the opportunity to provide relevant information related to the issues of the PRC's NME status and granting of separate rates to individual exporters.

Petitioner contends that Indonesia is the appropriate surrogate country for the PRC because: (1) It has consistently been identified by the Department as a country that is at a level of economic development comparable to that of the PRC; (2) the availability of surrogate financial statement data demonstrates that there is an industry producing steel frame shelving in Indonesia, which indicates that Indonesia is a significant producer of comparable merchandise; and (3) there are reasonably available surrogate value data for Indonesia in order to conduct a factors-based analysis of NV.[24] Based on the information provided by Petitioner, we conclude that it is appropriate to use Indonesia as a surrogate country for initiation purposes.[25] After initiation of this investigation, interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.[26]

Petitioner calculated NV using the Department's NME methodology as required by 19 CFR 351.202(b)(7)(i)(C) and 19 CFR 351.408. Petitioner based factor usage in calculating NV on its own production experience.[27] Petitioner asserts that, to the best of its knowledge, its consumption rates are similar or identical to the consumption of PRC producers.[28]

Petitioner valued FOPs using reasonably available, public surrogate country data, specifically, Indonesia import data from the Global Trade Atlas (''GTA'') for the period December 2013 through May 2014, the most recently available period.[29] Petitioner excluded from these GTA import statistics imports from countries previously determined by the Department to be NME countries, countries previously determined by the Department to maintain broadly available, non-industry-specific export subsidies, and, in accordance with the Department's practice, any imports that were labeled as originating from an ''unspecified'' country.[30] The Department determines that the surrogate values used by Petitioner are reasonably available and, thus, are acceptable for purposes of initiation.

Petitioner calculated labor using 2010 data for Indonesia from the International Labor Organization under schedule 5B, section 36: Manufacture of Furniture.[31] Petitioner adjusted this rate for inflation using the consumer price index for Indonesia published by the Organization for Economic Cooperation and Development and converted the rate to U.S. dollars using the POI average exchange rate.[32]

Petitioner valued electricity using 2011 data published by the Indonesian Ministry of Energy and Mineral Resources in the 2012 Handbook of Energy & Economic Statistics of Indonesia.[33] Petitioner valued water using a 2006 study by the United Nations Development Program ''Disconnected: Poverty Water Supply and Development in Jakarta Indonesia.''[34]

Petitioner calculated financial ratios (*i.e.,* factory overhead expenses, selling, general, and administrative expenses, and profit) based on the financial statements of PT Lion Metal Works Tbk, an Indonesian manufacturer of comparable merchandise (*i.e.,* steel office equipment and other steel products such as filing cabinets, cupboard and steel doors, and steel racks and pallets) for the year ending December 31, 2013.[35]

Fair Value Comparisons

Based on the data provided by Petitioner, there is reason to believe that imports of boltless steel shelving from the PRC are being, or are likely to be, sold in the United States at less than fair value. Based on the comparison of net U.S. price to NV for the same or similar boltless steel shelving in accordance with section 773(c) of the Act, Petitioner's estimated margins for boltless steel shelving ranged from 40 to 211 percent.[36]

Initiation of AD Investigation

Based on our examination of the Petition on boltless steel shelving from the PRC, the Department finds that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of boltless steel shelving from the PRC are being, or likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation. For a discussion of evidence supporting our initiation determination, *see* the AD Initiation Checklist which accompanies this notice.

Respondent Selection

In accordance with our standard practice for respondent selection in AD investigations involving NME countries, we intend to issue quantity and value questionnaires to each potential respondent named in the Petition,[37] and will base respondent selection on the responses received. In addition, the Department will post the quantity and value questionnaire along with the filing instructions on the Enforcement and Compliance Web site (*http://trade.gov/enforcement/news.asp*). Exporters and producers of boltless steel shelving from the PRC that do not receive quantity and value questionnaires via mail may still submit a quantity and value response, and can obtain a copy from the Enforcement and Compliance Web site. The quantity and value questionnaire must be submitted by all PRC exporters/

1, AD–Supp–3, and AD–Supp–5; Second AD Supplement, at 2 and Exhibits AD–2nd–Supp–1 and AD–2nd–Supp–5; AD Initiation Checklist, at 6–9.

[23] *See* Volume II of the Petition, at 2–3.

[24] *Id.,* at 3 and Exhibit AD–3; AD Supplement, at Exhibit AD–Supp–3.

[25] *See* AD Initiation Checklist, at 8.

[26] *See* 19 CFR 351.301(c)(3)(i). Note that this is the revised regulation published on April 10, 2013. *See Definition of Factual Information and Time Limits for Submission of Factual Information,* 78 FR 21246 (April 10, 2013) (''*Definition of Factual Information and Time Limits''*).

[27] *See* Volume II of the Petition, at 4 and Exhibit AD–2 and Exhibit AD–4; AD Supplement, at Exhibit AD–Supp–4.

[28] *See* Volume II of the Petition, at 4 and Exhibit AD–2 and Exhibit AD–4.

[29] *See* AD Supplement, at 2 and Exhibit AD–Supp–3.

[30] *Id.*

[31] *See* Volume II of the Petition, at Exhibit AD–3; AD Supplement, at AD–Supp–3.

[32] *Id.*

[33] *Id.*

[34] *Id.*

[35] *See* Volume II of the Petition, at 4 and Exhibit AD–3.

[36] *See* Second AD Supplement, at Exhibit AD–2nd–Supp–5.

[37] *See* Volume I of the Petition, at Exhibit GEN–7.

producers no later than September 26, 2014. All quantity and value questionnaires must be filed electronically using IA ACCESS.

Separate Rates

In order to obtain separate rate status in an NME AD investigation, exporters and producers must submit a separate rate application.[38] The specific requirements for submitting the separate rate application in the PRC investigation are outlined in detail in the application itself, which will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this initiation notice in the **Federal Register**. The separate rate application will be due 60 days after the publication of this initiation notice. For exporters and producers who submit a separate rate status application and have been selected as mandatory respondents, these exporters and producers will no longer be eligible for consideration for separate rate status unless they respond to all parts of the Department's AD questionnaire as mandatory respondents. The Department requires that the PRC respondents submit a response to the separate rate application by the deadline referenced above in order to receive consideration for separate rate status.

Use of Combination Rates

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[39]

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, and 19 CFR 351.202(f), copies of the public version of the Petition have been provided to the Government of the PRC. Because of the particularly large number of producers/exporters identified in the Petition, the Department considers the service of the public version of the Petition to the foreign producers/exporters to be satisfied by the provision of the public version of the Petition to the Government of the PRC, consistent with 19 CFR 351.203(c)(2).

ITC Notification

We notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of boltless steel shelving from the PRC are materially injuring, or threatening material injury to, a U.S. industry.[40] A negative ITC determination will result in the investigation being terminated.[41] Otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits,* which modified two regulations related to AD and CVD proceedings: (1) The definition of factual information (19 CFR 351.102(b)(21)), and (2) the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)—(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to this investigation. Review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information for this investigation.

Extension of Time Limits

On September 20, 2013, the Department published *Extension of Time Limits,*[42] which modified one regulation related to AD and CVD proceedings regarding the extension of time limits for submissions in such proceedings (19 CFR 351.302(c)). These modifications are effective for all segments initiated on or after October 21, 2013, and thus are applicable to this investigation. All parties should review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to requesting an extension.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[43] Parties are hereby reminded that the Department issued a final rule with respect to certification requirements, effective August 16, 2013, and that the revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any AD or CVD proceedings initiated on or after August 16, 2013, including this investigation, should use the formats for the revised certifications provided at the end of the *Certifications Final Rule.*[44] The Department intends to reject factual submissions if the submitting party does not comply with

[38] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005) (''Separate Rates and Combination Rates Bulletin''), available on the Department's Web site at *http://enforcement.trade.gov/policy/.*

[39] *See* Separate Rates and Combination Rates Bulletin, at 6 (emphasis added).

[40] *See* section 733(a) of the Act.

[41] *Id.*

[42] *See Extension of Time Limits,* 78 FR 57790 (September 20, 2013).

[43] *See* section 782(b) of the Act.

[44] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Certifications Final Rule*); *see also* the frequently asked questions regarding the *Certifications Final Rule,* available at the following: *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo/index.html.*

This notice is issued and published pursuant to section 777(i) of the Act and 19 CFR 351.203(c).

Dated: September 15, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The scope of this investigation covers boltless steel shelving units prepackaged for sale, with or without decks (''boltless steel shelving''). The term ''prepackaged for sale'' means that, at a minimum, the steel vertical supports (*i.e.,* uprights and posts) and steel horizontal supports (*i.e.,* beams, braces) necessary to assemble a completed shelving unit (with or without decks) are packaged together for ultimate purchase by the end-user. The scope also includes add-on kits. Add-on kits include, but are not limited to, kits that allow the end-user to add an extension shelving unit onto an existing boltless steel shelving unit such that the extension and the original unit will share common frame elements (*e.g.,* two posts). The term ''boltless'' refers to steel shelving in which the vertical and horizontal supports forming the frame are assembled primarily without the use of nuts and bolts or screws. The vertical and horizontal support members for boltless steel shelving are assembled by methods such as, but not limited to, fitting a rivet, punched or cut tab or other similar connector on one support into a hole, slot or similar receptacle on another support. The supports lock together to form the frame for the shelving unit, and provide the structural integrity of the shelving unit separate from the inclusion of any decking. The incidental use of nuts and bolts or screws to add accessories, wall anchors, tie-bars or shelf supports does not remove the product from scope. Boltless steel shelving units may also come packaged as partially assembled, such as when two upright supports are welded together with front-to-back supports, or are otherwise connected, to form an end unit for the frame. The boltless steel shelving covered by this investigation may be commonly described as rivet shelving, welded frame shelving, slot and tab shelving, and punched rivet (quasi-rivet) shelving as well as by other trade names. The term ''deck'' refers to the shelf that sits on or fits into the horizontal supports (beams or braces) to provide the horizontal storage surface of the shelving unit.

The scope includes all boltless steel shelving meeting the description above, regardless of (1) vertical support or post type (including but not limited to open post, closed post and tubing); (2) horizontal support or beam/brace profile (including but not limited to Z-beam, C-beam, L-beam, step beam and cargo rack); (3) number of supports; (4) surface coating (including but not limited to paint, epoxy, powder coating, zinc and other metallic coating); (5) number of levels; (6) weight capacity; (7) shape (including but not limited to rectangular, square, and corner units); (8) decking material (including but not limited to wire decking, particle board, laminated board or no deck at all); or (9) the boltless method by which vertical and horizontal supports connect (including but not limited to keyhole and rivet, slot and tab, welded frame, punched rivet and clip).

Specifically excluded from the scope are:

- Wall-mounted shelving, defined as shelving that is hung on the wall and does not stand on, or transfer load to, the floor;[45]
- wire shelving units, which consist of shelves made from wire that incorporates both a wire deck and wire horizontal supports (taking the place of the horizontal beams and braces) into a single piece with tubular collars that slide over the posts and onto plastic sleeves snapped on the posts to create the finished shelving unit;
- bulk-packed parts or components of boltless steel shelving units; and
- made-to-order shelving systems.

Subject boltless steel shelving enters the United States through Harmonized Tariff Schedule of the United States (''HTSUS'') statistical subheadings 9403.20.0018 and 9403.20.0020, but may also enter through HTSUS 9403.10.0040. While HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of this investigation is dispositive.

[FR Doc. 2014–22491 Filed 9–19–14; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–019]

Boltless Steel Shelving Units Prepackaged for Sale From the People's Republic of China: Initiation of Countervailing Duty Investigation

AGENCY: Enforcement & Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* September 22, 2014.

FOR FURTHER INFORMATION CONTACT: Paul Walker or Susan Pulongbarit, AD/CVD Operations, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202.482.0413 or 202.482.4013, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On August 26, 2014, the Department of Commerce (the ''Department'') received a countervailing duty (''CVD'') petition concerning imports of boltless steel shelving units prepackaged for sale (''boltless steel shelves'') from the People's Republic of China (''PRC''), filed in proper form by Edsal Manufacturing Co., Inc. (''Petitioner''), a domestic producer of boltless steel shelves. The CVD petition was accompanied by an antidumping duty (''AD'') petition concerning imports of boltless steel shelves from the PRC.[1] On August 27, and August 28, 2014, the Department issued additional requests for information and clarification of certain areas of the Petition. Based on the Department's requests, Petitioner timely filed additional information pertaining to the Petition on September 2, 4, and 11, 2014.[2]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the ''Act''), Petitioner alleges that producers/exporters of boltless steel shelves in the PRC received countervailable subsidies within the meaning of sections 701 and 771(5) of the Act, and that imports from these producers/exporters materially injure, or threaten material injury to, an industry in the United States.

The Department finds that Petitioner filed this Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act, and Petitioner has demonstrated sufficient industry support with respect to the CVD investigation that it is requesting the Department to initiate (*see* ''Determination of Industry Support for the Petition'' below).

Period of Investigation

The period of investigation (''POI'') is calendar year 2013, in accordance with 19 CFR 351.204(b)(2).

Scope of the Investigation

The product covered by this investigation is boltless steel shelving from the PRC. For a full description of the scope of the investigation, *see* the

[45] The addition of a wall bracket or other device to attach otherwise freestanding subject merchandise to a wall does not meet the terms of this exclusion.

[1] *See* Letter from Petitioner, regarding ''Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China,'' dated August 26, 2014 (hereafter referred to as the ''Petition'').

[2] *See* Petitioner's September 2, 4 & 11, 2014 responses.

''Scope of the Investigation'' at the Appendix of this notice.

Comments on the Scope of the Investigation

During our review of the Petition, we solicited information from Petitioner to ensure that the proposed scope language is an accurate reflection of the products for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the Department's regulations,[3] we are setting aside a period for interested parties to raise issues regarding product coverage. If scope comments include factual information,[4] all such factual information should be limited to public information. The Department encourages all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on October 6, 2014, which is 20 calendar days from the signature date of this notice.[5] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on October 16, 2014, which is 10 calendar days after the initial comments. The Department requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact the Department and request permission to submit the additional information. All comments must be filed on the record of the PRC CVD investigation, as well as the concurrent PRC AD investigation.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement & Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by the time and date set by the Department. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the deadline established by the Department.[6]

Consultations

Pursuant to section 702(b)(4)(A)(ii) of the Act, the Department held consultations with the Government of the PRC (hereinafter, the ''GOC'') with respect to the Petition on September 10, 2014.[7]

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the industry.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[8] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[9]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, Petitioner does not offer a definition of domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we have determined that boltless steel shelves, as defined in the scope of the investigation, constitute a single domestic like product and we have analyzed industry support in terms of that domestic like product.[10]

In determining whether Petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of Investigation'' section above. To establish industry support, Petitioner provided 2013 production quantities of the domestic like product produced by those in support of the petition, and compared this to the estimated total production of the domestic like product for the entire domestic industry.[11] Petitioner estimated total 2013 production of the domestic like product using their own production data and

[3] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[4] *See* 19 CFR 351.102(b)(21).

[5] The 20th day falls on October 5, 2014. As this is a Sunday, we are applying our Next Business Day Rule. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR24533 (May 10, 2005).

[6] Information on help using IA ACCESS can be found at *https://iaaccess.trade.gov/help.aspx* and a handbook can be found at *https://iaaccess.trade.gov/help/Handbook%20on%20Electronic%20Filing%20Procedures.pdf.*

[7] *See* ''Countervailing Duty Petition on Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China: Consultations with the Government of the People's Republic of China,'' dated September 10, 2014.

[8] *See* section 771(10) of the Act.

[9] *See USEC, Inc.* v. *United States, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing Algoma Steel Corp., Ltd. v. United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[10] *See* Countervailing Duty Investigation Initiation Checklist: Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China (''Initiation Checklist''), at Attachment II, Analysis of Industry Support for the Petitions Covering Boltless Steel Shelving Units Prepackaged for Sale from the People's Republic of China (''Attachment II''). This checklist is dated concurrently with this notice and on file electronically via IA ACCESS. Access to documents filed via IA ACCESS is also available in the Central Records Unit, Room 7046 of the main Department of Commerce building.

[11] *See* Volume I of the Petition, at 3–4 and at Exhibits GEN–1 and GEN–2.

knowledge they obtained about the industry.[12] We have relied upon data Petitioner provided for purposes of measuring industry support.[13]

Based on information provided in the Petition and supplemental submission, we determine that Petitioner has met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[14] Based on information provided in the Petition, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition. Accordingly, the Department determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[15]

The Department finds that Petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the CVD investigation that it is requesting the Department initiate.[16]

Injury Test

Because the PRC is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from the PRC materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

Petitioner alleges that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, Petitioner contends that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[17]

Petitioner maintains that the industry's injured condition is illustrated by reduced market share; underselling and price depression or suppression; lost sales and revenues; decline in key trade and financial variables; capacity utilization-ratio decline; and decline in financial performance.[18] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[19]

Initiation of Countervailing Duty Investigation

Section 702(b)(1) of the Act requires the Department to initiate a CVD proceeding whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to the Petitioner supporting the allegations.

The Department has examined the Petition on boltless steel shelves from the PRC and finds that it complies with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating a CVD investigation to determine whether producers/exporters of boltless steel shelves in the PRC receive countervailable subsidies. For a discussion of evidence supporting our initiation determination, *see* the CVD Initiation Checklist which accompanies this notice.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation of 18 of the alleged programs, and part of an additional alleged program. For the other one program and part of another program alleged by Petitioner, we have determined that the requirements for initiation have not been met. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the CVD Initiation Checklist.

Respondent Selection

The Department normally selects respondents in a CVD investigation using CBP entry data. However, for this investigation, the HTSUS numbers the subject merchandise would enter under, 9403.20.0018 and 9403.20.0020, are basket categories containing many products unrelated to boltless steel shelves, and much of the reported entry data do not contain quantity information. Therefore, we cannot rely on CBP entry data in selecting respondents. Instead, we will issue quantity and value questionnaires to each potential respondent named in the Petition,[20] and will base respondent selection on the responses received. In addition, the Department will post the quantity and value questionnaire along with the filing instructions on the Enforcement & Compliance Web site (*http://trade.gov/enforcement/news.asp*). Exporters and producers that do not receive quantity and value questionnaires via mail may still submit a quantity and value response, and can obtain a copy from the Enforcement & Compliance Web site. The quantity and value questionnaire must be submitted by all PRC exporters/producers no later than September 26, 2014.

All quantity and value questionnaires must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern time by the date noted above. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement & Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the deadline noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.*

Distribution of Copies of the CVD Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), we have provided a copy of the public version of the Petition to the representatives of the GOC. Because of the particularly large number of producers/exporters identified in the Petition, the Department considers the service of the public version of the petition to the foreign producers/exporters satisfied by the delivery of the

[12] *Id.*

[13] *See* Initiation Checklist, at Attachment II.

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *See* Volume I of the Petition, at 16 and at Exhibit GEN–6.

[18] *See* Volume I of the Petition, at 17–20, at Exhibits GEN–2, GEN–6, AND GEN–9, and GEN–10.

[19] *See* Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Petitions Covering Steel Shelves from the People's Republic of China.

[20] *See* Volume I of the Petition at Exhibit I–9.

public version to the GOC, consistent with 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of boltless steel shelves from the PRC materially injure, or threaten material injury to, a U.S. industry.[21] A negative ITC determination will result in the investigation being terminated.[22] Otherwise, the investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits,* which modified two regulations related to AD and CVD proceedings: (1) The definition of factual information (19 CFR 351.102(b)(21)), and (2) the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)—(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to this investigation. Review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information for this investigation.

Extension of Time Limits

On September 20, 2013, the Department published *Extension of Time Limits,*[23] which modified one regulation related to AD and CVD proceedings regarding the extension of time limits for submissions in such proceedings (19 CFR 351.302(c)). These modifications are effective for all segments initiated on or after October 21, 2013, and thus are applicable to this investigation. All parties should review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to requesting an extension.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[24] Parties are hereby reminded that the Department issued a final rule with respect to certification requirements, effective August 16, 2013, and that the revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any AD or CVD proceedings initiated on or after August 16, 2013, including this investigation, should use the formats for the revised certifications provided at the end of the *Certifications Final Rule.*[25] The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo/index.html.*

This notice is issued and published pursuant to section 777(i) of the Act and 19 CFR 351.203(c).

Dated: September 15, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The scope of this investigation covers boltless steel shelving units prepackaged for sale, with or without decks (''boltless steel shelving''). The term ''prepackaged for sale'' means that, at a minimum, the steel vertical supports (*i.e.,* uprights and posts) and steel horizontal supports (*i.e.,* beams, braces) necessary to assemble a completed shelving unit (with or without decks) are packaged together for ultimate purchase by the end-user. The scope also includes add-on kits. Add-on kits include, but are not limited to, kits that allow the end-user to add an extension shelving unit onto an existing boltless steel shelving unit such that the extension and the original unit will share common frame elements (*e.g.,* two posts). The term ''boltless'' refers to steel shelving in which the vertical and horizontal supports forming the frame are assembled primarily without the use of nuts and bolts or screws. The vertical and horizontal support members for boltless steel shelving are assembled by methods such as, but not limited to, fitting a rivet, punched or cut tab or other similar connector on one support into a hole, slot or similar receptacle on another support. The supports lock together to form the frame for the shelving unit, and provide the structural integrity of the shelving unit separate from the inclusion of any decking. The incidental use of nuts and bolts or screws to add accessories, wall anchors, tie-bars or shelf supports does not remove the product from scope. Boltless steel shelving units may also come packaged as partially assembled, such as when two upright supports are welded together with front-to-back supports, or are otherwise connected, to form an end unit for the frame. The boltless steel shelving covered by this investigation may be commonly described as rivet shelving, welded frame shelving, slot and tab shelving, and punched rivet (quasi-rivet) shelving as well as by other trade names. The term ''deck'' refers to the shelf that sits on or fits into the horizontal supports (beams or braces) to provide the horizontal storage surface of the shelving unit.

The scope includes all boltless steel shelving meeting the description above, regardless of (1) vertical support or post type (including but not limited to open post, closed post and tubing); (2) horizontal support or beam/brace profile (including but not limited to Z-beam, C-beam, L-beam, step beam and cargo rack); (3) number of supports; (4) surface coating (including but not limited to paint, epoxy, powder coating, zinc and other metallic coating); (5) number of levels; (6) weight capacity; (7) shape (including but not limited to rectangular, square, and corner units); (8) decking material (including but not limited to wire decking, particle board, laminated board or no deck at all); or (9) the boltless method by which vertical and horizontal supports connect (including but not limited to keyhole

[21] *See* section 703(a)(2) of the Act.

[22] *See* section 703(a)(1) of the Act.

[23] *See Extension of Time Limits,* 78 FR 57790 (September 20, 2013).

[24] *See* section 782(b) of the Act.

[25] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Certifications Final Rule*); *see also* the frequently asked questions regarding the *Certifications Final Rule,* available at the following: *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

and rivet, slot and tab, welded frame, punched rivet and clip).

Specifically excluded from the scope are:

- Wall-mounted shelving, defined as shelving that is hung on the wall and does not stand on, or transfer load to, the floor; [26]
- wire shelving units, which consist of shelves made from wire that incorporates both a wire deck and wire horizontal supports (taking the place of the horizontal beams and braces) into a single piece with tubular collars that slide over the posts and onto plastic sleeves snapped on the posts to create the finished shelving unit;
- bulk-packed parts or components of boltless steel shelving units; and
- made-to-order shelving systems.

Subject boltless steel shelving enters the United States through Harmonized Tariff Schedule of the United States (''HTSUS'') statistical subheadings 9403.20.0018 and 9403.20.0020, but may also enter through HTSUS 9403.10.0040. While HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of this investigation is dispositive.

[FR Doc. 2014–22494 Filed 9–19–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Ohio State University, et al.; Notice of Decision on Application for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Ave. NW., Washington, DC.

Docket Number: 14–009. Applicant: Ohio State University, Columbus, OH 43210. Instrument: Diode pumped, solid state high speed Nd:YVO4 laser system. Manufacturer: Edgewave GmbH, Germany. Intended Use: See notice at 79 FR 34491, June 17, 2014. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to conduct particle imaging velocimetry, and Rayleigh scattering and planar laser-induced fluorescence, to understand the fundamental roles of fluid turbulence on scalar mixing and reaction rates by studying fundamental fluid mechanics and chemical kinetics in turbulent flows with and without chemical reaction and combustion. The primary targets are non-reacting turbulent flows consisting of compressed air and combusting turbulent flows with fuels of methane and oxidizer of air. The products of combustion are water, carbon dioxide, and nitrogen. The instrument is required to operate over a broad range of experiment conditions with specific targets of repetition rates ranging from 1 to 50 kHz. At these repetition rates, a minimum output power of 20 Watts is required at all operating conditions. A high-quality beam profile of $M^2<2$ is also needed. The pulse duration of the laser must also be less than 10 nanoseconds. Without these characteristics, accurate velocity and scalar fields, including species concentration, temperature, and density cannot be measured.

Docket Number: 14–011. Applicant: University of California, San Diego, La Jolla, CA 92093. Instrument: iMIC Digital Microscope 2.0. Manufacturer: TILL Photonics (FEI Munich), Germany. Intended Use: See notice at 79 FR 41537, July 16, 2014. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to gain fundamental knowledge of the mechanisms involved in eukaryotic cell motion, by utilizing a total internal reflection technique which allows visualization of only the cell part that is immediately above the substratum (roughly the bottom 100nm of a cell), which enables cell imaging with a superior spatial and temporal resolution over other non-TIRF microscopes. Examples of experiments to be conducted with the instrument include measuring the forces generated by several different cell types on substrates during directed motility, determining the spatial location of signaling components involved in cell-substrate adhesion, investigating the effect of different substrate rigidities on cell motility, determining the response of cells to externally imposed chemical gradients, and determining the role of certain signaling components in cell motility. Crucial in the experiments is the unique ability of the instrument to autofocus the imaging plane such that the cell remains in focus for an extended period of time, which guarantees sharp images for the duration of the experiments. The instrument also has a Yanus IV scanhead that enables fast Fluorescence Recovery After Photobleaching (FRAP) experiments, and a custom-made plexiglass box to facilitate specific temperature and CO2 concentrations required by mammalian and amoeboid cells, that can easily be removed to transition between different conditions.

Docket Number: 14–013. Applicant: Howard Hughes Medical University, Chevy Chase, MD 20815. Instrument: Vitrobot Vitrification Robot for Cryopreservation. Manufacturer: FEI, Czech Republic. Intended Use: See notice at 79 FR 46773, August 11, 2014. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument is used to produce high-quality frozen-hydrated biological specimens for observation in cryo-TEM, to determine the structure of macromolecular biological complexes. It is equipped with an environmental chamber and fully automated control of blotting and plunge-freezing conditions. The computerized control of the humidity/temperature environment specimen chamber and blotting/freezing conditions is essential to reproducibly obtaining high quality samples for TEM, free of freezing artifacts.

Docket Number: 14–015. Applicant: South Dakota State University, Brookings, SD 57007. Instrument: SUNALE R–150 Atomic Layer Deposition Reactor. Manufacturer: Picosun, Finland. Intended Use: See notice at 79 FR 46773, August 11, 2014. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to obtain ultrathin dielectric films with full coverage of semiconductor device surface to prevent electric leakage, and fabricate amorphous metal thin films, by depositing oxide films onto metal layer surfaces and studying the effect of the diode, in order to study film uniformity, adhesion, dielectric constant, and optical constants. Unique features of the instrument include a dual vacuum chamber, which allows different reaction chambers to be fit into the same

[26] The addition of a wall bracket or other device to attach otherwise freestanding subject merchandise to a wall does not meet the terms of this exclusion.

vacuum chamber, allowing easy scale up to batch process and deposition on different substrates, source lines that are pre-heated before entering the reactor chamber, improving the deposition quality, and the option of ultra-high vacuum system by using metal seal flanges. Another unique feature is the hot-wall reaction chamber, which allows a metal-metal sealing surface and pressure control that keeps all process gases inside the reaction chamber with no condensation occurring in the vacuum chamber walls. The reaction chamber walls are at the same temperature as the substrate which prevents secondary reaction routes inside the reaction chamber that would result in the loss of self-limited growth mechanism of ALD, ensures no corrosion occurs on the vacuum chamber walls, and ensures the best particle performance and long maintenance cycles, and a maximum deposition temperature of 500 degrees Celsius.

Docket Number: 14–016. Applicant: California Institute of Technology, Pasadena, CA 91125. Instrument: iXBlue OCTANS Surface-Fiber Optic Gryocompass. Manufacturer: iXBLUE Incorporated, France. Intended Use: See notice at 79 FR 41537, July 16, 2014. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to provide accurate data for research on earthquake early warning, by orienting more than 100 seismic sensors to the exact north direction. The instrument includes unique features such as compact design and ease of use in enclosed spaces such as small vault installations that are 8 feet deep and only 2 feet in diameter, the ability to measure orientation with an accuracy of 0.1 degrees, portability, and is based on iXBlue's proprietary algorithms that are not available domestically.

Docket Number: 14–019. Applicant: New Mexico Institute of Mining and Technology, Socorro, NM 87801. Instrument: Tip-Tilt/Narrow-field Acquisition System (FTT/NSA). Manufacturer: University of Cambridge-Cavendish Labs, United Kingdom. Intended Use: See notice at 79 FR 46773, August 11, 2014. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to acquire the astronomical target by sensing its location in a moderate field of view image and using the position of the target relative to a pre-determined location in the sensor field of view to provide signals used to adjust the pointing of the telescope, and thereafter to detect and eliminate rapid tip-tilt (i.e. angle of arrival) fluctuations in the incoming light beam due to atmospheric turbulence—sensing these again by measuring the position of the target relative to a pre-determined location in the sensor field and using these measurements to send high frequency control signals to the active secondary mirror of the telescope and low frequency pointing corrections to the telescope mount. The unique features of the instrument are the interferometer system which is designed to fulfill the Science Reference Mission, including a focus on model-independent imaging as opposed to astrometric or precision phase or visibility measurement, which implies the ability to relocate the telescope, in particular the provision of a close-packed array configuration with shortest inter-telescope separations of 7.8 m. Another unique feature is the ability to reach limiting magnitudes of H = 14 for group delay fringe tracking and V = 16 for tip-tilt sensing to allow observations of extragalactic targets (in particular AGN, which have red colors). Other unique features include a dual role as a tip-tilt (angle of arrival) correction system and target acquisition system, for which a 60″ field of view is required, a level of opto-mechanical stability such that the change in the effective tip-tilt zero point is less than 0.015″ on the sky for a 5 degree Celsius change in ambient temperature, which implies sub-micron stability of the components of the system over the course of a night, a limiting sensitivity of 16th magnitude at visual wavelengths (limiting magnitude V = 16 for target acquisition and residual tilt in fast tip-tilt mode < 0.060″ at V = 16), and the ability to maintain the surface temperature of FTT/MSA components close to the light beam path within 2 degrees Celsius of ambient, which, coupled with the wide operating temperature range, requires the camera to be housed in a special environmentally-controlled enclosure.

Dated: September 15, 2014.

Gregory W. Campbell,

Director, Subsidies Enforcement Office, Enforcement and Compliance.

[FR Doc. 2014–22505 Filed 9–19–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD507

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a meeting of its Penaeid Shrimp Workshop Group.

DATES: The meeting will convene at 1 p.m. (C.S.T.) on October 7 until 12 noon on October 9, 2014.

ADDRESSES:

Meeting address: The meeting will be held at the Hilton New Orleans Airport Hotel, located at 901 Airline Drive, Kenner, LA 70062.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Morgan Kilgour, Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *morgan.kilgour@gulfcouncil.org*

SUPPLEMENTARY INFORMATION: The items of discussion on the agenda are as follows:

Penaeid Shrimp Workshop Agenda, Tuesday, October 7, 2014, 1 p.m. (C.S.T.) Until Thursday, October 9, 2014, 12 Noon

The Group will discuss the appropriate methods for establishing MSY for penaied (brown, pink and white) shrimp stocks in the Gulf of Mexico. The group will then determine the appropriate values of MSY for penaeid shrimp. The group may also evaluate the ABC control rule for penaeid shrimp if time permits.

- Adjourn -

The Agenda is subject to change, and the latest version will be posted on the Council's file server, which can be accessed by going to the Council Web site at *http://www.gulfcouncil.org* and clicking on FTP Server under Quick Links. For meeting materials see folder ''Penaeid Shrimp Workshop Meeting—2014–10'' on Gulf Council file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's Web site and click on the FTP link in the

lower left of the Council Web site (*http://www.gulfcouncil.org*). The username and password are both ''gulfguest''.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 16, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–22430 Filed 9–19–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD508

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene a meeting of its Coastal Pelagic Species Management Team (CPSMT). The meeting will be a work session to further develop the draft environmental assessment for Pacific sardine harvest faction.

DATES: The CPSMT meeting will be held Wednesday, October 8 through Thursday, October 9, 2014. The meeting will begin the first day at 12 p.m. and the second day at 8 a.m. The meeting will conclude each day at 5 p.m. or when business for the day has been completed.

ADDRESSES: The meeting will be held in the Pacific Conference Room of the NOAA Southwest Fisheries Science Center, 8901 La Jolla Shores Dr., La Jolla, CA 92037–1508.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Staff Officer; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to further develop the draft environmental assessment (EA) on Pacific sardine harvest fraction. This will include continued work on the description of the alternatives, work on the analysis of alternatives, as well as other parts of the EA.

The Council initiated a process to use a new temperature index, as well as a new temperature-recruitment relationship, in sardine harvest control rules. The analysis in the draft EA will help the Council make an informed decision, and to take final action, currently scheduled for the November 2014 meeting.

Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the CPSMT's intent to take final action to address the emergency.

Special Accommodations

This meeting room is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Dale Sweetnam, (858) 546–7170, at least 5 days prior to the meeting date.

Dated: September 17, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–22459 Filed 9–19–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD505

Endangered Species; File No. 18688

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that NMFS Pacific Islands Regional Office, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814 [Responsible Party: Michael Tosatto], has applied in due form for a permit to take hawksbill (*Eretmochelys imbricata*), olive ridley (*Lepidochelys olivacea*), leatherback (*Dermochelys imbricata*), loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before October 22, 2014.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 18688 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division:

- By email to *NMFS.Pr1Comments@noaa.gov* (include the File No. in the subject line of the email);
- By facsimile to (301) 713–0376; or
- At the address listed above.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Courtney Smith, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a five-year permit to conduct research on sea turtles bycaught in three longline fisheries in the Pacific Ocean around Hawaii and American Samoa to assess sea turtle post-hooking survival, movements, and ecology in pelagic habitats. Researchers would photograph, measure, biopsy sample, and flipper tag

sea turtles prior to release and collect carcasses, tissues and parts from dead sea turtles. A subset of loggerhead and leatherback sea turtles also may receive a satellite transmitter before release. Take numbers for these activities would be consistent with the number of turtle captures analyzed in the incidental take statement of the biological opinion prepared for each fishery.

Dated: September 16, 2014.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–22443 Filed 9–19–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA626

Marine Mammals; File No. 16111

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that John Calambokidis, Cascadia Research Collective, Waterstreet Building, 218½ West Fourth Avenue, Olympia, WA 89501, has been issued a minor amendment to Scientific Research Permit No. 16111–01.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; telephone: (301) 427–8401; fax: (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Rosa L. González or Courtney Smith, telephone: (301) 427–8401.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The original permit (No. 16111), issued on July 12, 2012 (77 FR 44218) authorized Mr. Calambokidis to study cetaceans and pinnipeds in the eastern North Pacific, from Central America to Alaska. The research is a continuation of long-term studies designed to examine marine mammal abundance, distribution, population structure, habitat use, social structure, movement patterns, diving behavior, and diet. Focal species are blue (*Balaenoptera musculus*), fin (*B. physalus*), humpback (*Megaptera novaeangliae*), eastern gray (*Eschrichtius robustus*), sperm (*Physeter macrocephalus*), and beaked (*Mesoplodon* spp.) whales. An additional 15 cetacean species and five pinniped species may be studied, including the endangered sei whale (*B. borealis*), endangered Southern Resident stock of killer whales (*Orcinus orca*), and the threatened eastern stock of Steller sea lions (*Eumetopias jubatus*). Vessel research includes photo-identification, behavioral focal follows, underwater observations and filming, hydroacoustic prey determination, passive acoustic recording, breath sampling, biopsy sampling, collection of sloughed skin, and attachment of suction cup and dart tags. Aerial surveys may be conducted to study abundance and distribution, and to track tagged animals. Ground surveys may be conducted for population counts and scat collection to study harbor seals (*Phoca vitulina*) and other pinnipeds at haul-out areas in Puget Sound and throughout Washington. Permit No. 16111 expires on July 15, 2017. The minor amendment (No. 16111–01) changes the manner in which marine mammals may be taken but does not change any other terms or conditions of the permit. It authorizes the use of archival tags via dart-attachment in addition to currently permitted LIMPET (Low Impact Minimally Percutaneous Electronic Transmitter) tags. It also authorizes aerial takes from small unmanned aerial systems (sUAS), primarily small quadcopters, for some of the same purposes described in the original application including obtaining size measurements of whales, identifying scaring/markings, and monitoring behavior especially in response to ship noise and Navy sonar. The permit expires July 15, 2017.

Dated: September 12, 2014.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–22496 Filed 9–19–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2014–0027]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to delete a System of Records.

SUMMARY: The Department of the Air Force is deleting a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, as amended. The system notice is entitled ''F036 AETC V, Potential Faculty Rating System''.

DATES: Comments will be accepted on or before October 22, 2014. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Charles J. Shedrick, Department of the Air, Air Force Privacy Act Office, Office of Warfighting Integration and Chief Information Officer, ATTN: SAF/CIO A6, 1800 Air Force Pentagon, Washington, DC 20330–1800, or by phone at (571) 256–2515.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices subject to the Privacy Act of 1974, as amended, has been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**. The Department of the Air Force proposes to delete a system of records notice from its inventory of record systems subject to the Privacy Act of 1974 as amended.

The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974, as amended, which requires the submission of a new or altered system report.

Dated: September 17, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion:

F036 AETC V

SYSTEM NAME:

Potential Faculty Rating System (March 27, 2003, 68 FR 14951)

REASON:

Redundant with F036 AF AETC A, Student Records (August 13, 2004, 69 FR 50173). This information is maintained in the Student Records database. There is no separate system for potential faculty; all records are maintained in the Student Records Database.

[FR Doc. 2014–22497 Filed 9–19–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Proposed Reduction in Hours of Operation at Lower St. Anthony Falls Lock and Lock and Dam 1, Located in Minneapolis, MN

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice.

SUMMARY: The three Mississippi River locks in Minneapolis, MN (Upper St. Anthony Falls, Lower St. Anthony Falls, and Lock and Dam 1) currently operate 19 hours per day/7 days per week during the navigation season. This level of service follows the guidance from the Corps Inland Marine Transportation System (IMTS) Board of Directors.

Section 2010 of the Water Resources Reform and Development Act of 2014 (WRRDA) directed the Secretary of the Army to close the Upper St. Anthony Falls Lock and Dam located on the Mississippi River at river mile 853.9 no later than 1 year after the enactment date of WRRDA 2014.

With the expected closing of the Upper St. Anthony Falls lock, it is anticipated the remaining two Minneapolis locks will have less than 500 commercial lockages per year. To meet IMTS guidance, it is proposed Lower St. Anthony Falls and Lock and Dam 1 transition to one 10-hour shift per day/7 days per week during the 2015 navigation season and beyond. The navigation season on the Upper Mississippi normally begins in March, depending on river conditions, and wraps up by the end of November. Pool levels will not be affected by change of operating hours.

DATES: Submit written comments concerning this notice by October 22, 2014.

ADDRESSES: Submit comments to Mr. Kevin Baumgard, Deputy Chief, Operations Division, U.S. Army Corps of Engineers, 180 Fifth Street East, Suite 700, St. Paul, MN 55101–1678, or by email at *kevin.l.baumgard@usace.army.mil.*

FOR FURTHER INFORMATION CONTACT: Mr. Michael Kidby at Corps of Engineers Headquarters in Washington, DC, by phone at 202–761–0250.

SUPPLEMENTARY INFORMATION: The legal authority for the regulation governing the use, administration, and navigation of the Twin Cities locks is Section 4 of the River and Harbor Act of August 18, 1894 (28 Stat. 362), as amended, which is codified at 33 U.S.C. 1. This statute requires the Secretary of the Army to ''prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States'' as the Secretary determines may be required by public necessity. Reference 33 CFR 207.300, Ohio River, Mississippi River above Cairo, Ill., and their tributaries; use, administration, and navigation.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–22415 Filed 9–19–14; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG14–103–000.

Applicants: Calpine Fore River Energy Center, LLC.

Description: Notice of Self-Certification of Calpine Fore River Energy Center, LLC.

Filed Date: 9/15/14.

Accession Number: 20140915–5113.

Comments Due: 5 p.m. ET 10/6/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–102–006.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing per 35: NYISO compliance Order 1000 regional planning to be effective 1/1/2014.

Filed Date: 9/15/14.

Accession Number: 20140915–5167.

Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER13–1188–021.

Applicants: Pacific Gas and Electric Company.

Description: eTariff filing per 35.19a(b): Wholesale Distribution Tariff Rate Case (WDT2) Refund Report to be effective N/A.

Filed Date: 9/15/14.

Accession Number: 20140915–5006.

Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–1993–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment per 35.17(b): Loss Compensation Clarification Amended Filing to be effective 7/19/2014.

Filed Date: 9/12/14.

Accession Number: 20140912–5202.

Comments Due: 5 p.m. ET 10/3/14.

Docket Numbers: ER14–2615–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment per 35.17(b): 2014–09–15_SA 6503 Gaylord SSR Termination Amendment to be effective 10/1/2014.

Filed Date: 9/15/14.

Accession Number: 20140915–5071.

Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–2617–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment per 35.17(b): 2014–09–15_SA 6504 Straits SSR Termination Amendment to be effective 10/1/2014.

Filed Date: 9/15/14.

Accession Number: 20140915–5086.

Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–2666–001.

Applicants: Avalon Solar Partners, LLC.

Description: Tariff Amendment per 35.17(b): Amendment to Market Based Rate Filing to be effective 10/15/2014.

Filed Date: 9/15/14.

Accession Number: 20140915–5000.

Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–2739–000.

Applicants: Southwest Power Pool, Inc.

Description: Report Filing: 2899 Pawnee Wind Farm, LLC GIA Supplemental Submission to be effective N/A.

Filed Date: 9/12/14.

Accession Number: 20140912–5187.

Comments Due: 5 p.m. ET 10/3/14.

Docket Numbers: ER14–2770–000.
Applicants: Southwest Power Pool, Inc.
Description: Report Filing: Substitute Original 2893 Steele Flats Wind Project GIA Supplemental Submission to be effective N/A.
Filed Date: 9/12/14.
Accession Number: 20140912–5200.
Comments Due: 5 p.m. ET 10/3/14.

Docket Numbers: ER14–2869–000.
Applicants: Black Hills Power, Inc.
Description: Compliance filing per 35: Compliance Filing Revising Attachment H Formula Rate Protocols to be effective 1/1/2015.
Filed Date: 9/12/14.
Accession Number: 20140912–5183.
Comments Due: 5 p.m. ET 10/3/14.

Docket Numbers: ER14–2870–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014 Southwestern Power Administration Amendatory Agreement Exhibit 1 to be effective 3/1/2014.
Filed Date: 9/12/14.
Accession Number: 20140912–5201.
Comments Due: 5 p.m. ET 10/3/14.

Docket Numbers: ER14–2871–000.
Applicants: Cameron Ridge, LLC.
Description: Initial rate filing per 35.12 MBR Tariff to be effective 11/11/2014.
Filed Date: 9/12/14.
Accession Number: 20140912–5203.
Comments Due: 5 p.m. ET 10/3/14.

Docket Numbers: ER14–2872–000.
Applicants: Southern California Edison Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement for Wholesale Distribution Service with City of Industry to be effective 9/16/2014.
Filed Date: 9/15/14.
Accession Number: 20140915–5002.
Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–2873–000.
Applicants: Duke Energy Florida, Inc., Duke Energy Carolinas, LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): OATT Formula Transmission Rates DEF Schedule 10–A (First filing) to be effective 1/1/2013.
Filed Date: 9/15/14.
Accession Number: 20140915–5108.
Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–2874–000.
Applicants: Arizona Public Service Company.
Description: Compliance filing per 35: OATT Update to Conform with Order No. 789 Adoption of Reliability to be effective 10/1/2014.
Filed Date: 9/15/14.
Accession Number: 20140915–5148.
Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–2875–000.
Applicants: UNS Electric, Inc.
Description: Compliance filing per 35: Formula Rate Protocols Compliance Filing to be effective 11/14/2014.
Filed Date: 9/15/14.
Accession Number: 20140915–5155.
Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–2876–000.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing per 35: Notice of Cancellation of Service Agreement No. 2533; Queue No. V4–075 to be effective N/A.
Filed Date: 9/15/14.
Accession Number: 20140915–5158.
Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–2877–000.
Applicants: Duke Energy Florida, Inc., Duke Energy Carolinas, LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): OATT Formula Transmission Rates DEF Schedule 10–A (second filing) to be effective 5/15/2013.
Filed Date: 9/15/14.
Accession Number: 20140915–5159.
Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–2878–000.
Applicants: Duke Energy Florida, Inc., Duke Energy Carolinas, LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): OATT Formula Transmission Rates DEF Schedule 10–A (third filing) to be effective 11/29/2013.
Filed Date: 9/15/14.
Accession Number: 20140915–5168.
Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–2879–000.
Applicants: Deseret Generation & Transmission Co-operative, Inc.
Description: Tariff Withdrawal per 35.15: Wells Dairy Incentive Agmt Cancellation to be effective 11/14/2014.
Filed Date: 9/15/14.
Accession Number: 20140915–5169.
Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–2880–000.
Applicants: Duke Energy Florida, Inc., Duke Energy Carolinas, LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): OATT Formula Transmission Rate DEF Schedule 10–A (fourth filing) to be effective 2/3/2014.
Filed Date: 9/15/14.
Accession Number: 20140915–5172.
Comments Due: 5 p.m. ET 10/6/14.

Docket Numbers: ER14–2881–000.
Applicants: Duke Energy Florida, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): City of Mount Dora RS 219 to be effective 11/14/2014.
Filed Date: 9/15/14.
Accession Number: 20140915–5173.
Comments Due: 5 p.m. ET 10/6/14.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF14–743–000.
Applicants: Cedar Creek Waste Water Treatment Facility.
Description: Form 556 of Cedar Creek Waste Water Treatment Facility.
Filed Date: 8/28/14.
Accession Number: 20140828–5259.
Comments Due: None Applicable.

Docket Numbers: QF14–744–000.
Applicants: Crescent Duck Farms.
Description: Form 556 of Crescent Duck Farms.
Filed Date: 8/28/14.
Accession Number: 20140828–5258.
Comments Due: None Applicable.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 15, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–22483 Filed 9–19–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9916–93–Region–6]

Final NPDES General Permit Modification for Discharges From the Oil and Gas Extraction Point Source Category to Coastal Waters in Texas and Onshore Stripper Well Category East of the 98th Meridian (TXG330000)

AGENCY: Environmental Protection Agency.

ACTION: Final decision of NPDES general permit modification.

SUMMARY: The Director of the Water Quality Protection Division, for the Environmental Protection Agency (EPA) Region 6 today announces issuance of

the final permit modifications for the National Pollutant Discharge Elimination System (NPDES) general permit (TXG330000) regulating discharges from oil and gas wells in the Coastal Subcategory in Texas and in the Stripper Subcategory which discharge into waters in Texas. These modifications would restore coverage eligibility for certain inland discharges that existed in the previous permit and require freshwater whole effluent toxicity species for discharges to freshwater receiving waters.

EPA proposed the draft permit modification in the **Federal Register** on December 2, 2013. EPA Region 6 has considered all comments received and makes few significant changes to the proposed permit. A copy of the Region's responses to comments and the final permit may be obtained from the EPA Region 6 internet site: *http://www.epa.gov/region6/water/npdes/genpermit/index.htm.*

FOR FURTHER INFORMATION CONTACT: Ms. Evelyn Rosborough, Region 6, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202–2733. Telephone: (214) 665–7515.

DATES: This permit modification is effective on September 22, 2014, and expires July 6, 2017. In accordance with 40 CFR 23, this permit shall be considered issued for the purpose of judicial review on October 6, 2014. Under section 509(b) of the CWA, judicial review of this general permit can be held by filing a petition for review in the United States Court of Appeals within 120 days after the permit is considered issued for judicial review. Under section 509(b)(2) of the CWA, the requirements in this permit may not be challenged later in civil or criminal proceedings to enforce these requirements. In addition, this permit may not be challenged in other agency proceedings.

SUPPLEMENTARY INFORMATION:

Changes from the proposed permit modification include:

1. Add ''no visible sheen'' limit to produced water discharges to inland waters;

2. Replace acute 48-hour toxicity freshwater testing with acute 24-hour toxicity LC–50 freshwater and remove the cease discharge requirement; and

3. Set October 1, 2017, deadline to comply with the acute Toxicity LC–50 limit.

Other Legal Requirements

A. State Certification

Under section 401(a)(1) of the CWA, EPA may not issue an NPDES permit until the State in which the discharge will occur grants or waives certification to ensure compliance with appropriate requirements of the CWA and State law. The Railroad Commission of Texas issued the 401 certification on May 30, 2014.

B. Other Regulatory Requirements

When EPA issued the general permit in 2012, EPA had conducted evaluations required by Coastal Zone Management Act, National Environmental Policy Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Historic Preservation Act, Paperwork Reduction Act, and Regulatory Flexibility Act. The scope of today's permit modification action does not trigger requirements for new evaluations for compliance with those regulatory requirements.

Dated: September 11, 2014.

William K. Honker,

Director, Water Quality Protection Division, EPA Region 6.

[FR Doc. 2014–22470 Filed 9–19–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9916–98-Region 10]

Re-Proposal of the NPDES General Permit for Oil and Gas Geotechnical Surveying and Related Activities in Federal Waters of the Beaufort and Chukchi Seas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reopening of public comment period for the re-proposal of the Geotechnical General Permit.

SUMMARY: On August 15, 2014, EPA provided public notice on the re-proposal of a National Pollutant Discharge Elimination System (NPDES) General Permit for Oil and Gas Geotechnical Surveys and Related Activities in Federal Waters of the Beaufort and Chukchi Seas (Permit No. AKG–28–4300), and established a comment deadline of September 15, 2014. In response to a request from the Alaska Eskimo Whaling Commission to reopen the comment period deadline, EPA is reopening the comment period to September 30, 2014.

DATES: *Comments.* The public comment period for the Geotechnical General Permit re-proposal is reopened until September 30, 2014. EPA will only consider comments on the re-proposed permit provisions. Comments submitted previously on the initial draft Geotechnical General Permit need not be resubmitted; comments addressing permit provisions or issues beyond the scope of this re-proposal will not be considered. Comments must be received by or post-marked no later than midnight Pacific Standard Time on September 30, 2014.

ADDRESSES: You may submit comments by any of the following methods. Include your name, address, telephone number, the General Permit number (AKG–28–4300) and a concise statement of the basis and facts supporting the comment.

Mail: Send paper comments to Erin Seyfried, Office of Water and Watersheds, Mail Stop OWW–130, 1200 6th Avenue, Suite 900, Seattle, WA 98101–3140.

Email: Send electronic comments to *R10geotechpermit@epa.gov.*

Fax: Fax comments to the attention of Erin Seyfried at (206) 553–0165.

Hand Delivery/Courier: Deliver comments to Erin Seyfried, Office of Water and Watersheds, Mail Stop OWW–191, 1200 6th Avenue, Suite 900, Seattle, WA 98101–3140. Call (206) 553–0523 before delivery to verify business hours.

Viewing and/or Obtaining Copies of Documents. A copy of the re-proposed Geotechnical General Permit, the Fact Sheet, which explains the proposal in detail, and the revised Ocean Discharge Criteria Evaluation (ODCE) may be obtained by contacting EPA at 1 (800) 424–4372. Copies of the documents are also available for viewing and downloading at: *http://yosemite.epa.gov/r10/water.nsf/npdes+permits/DraftPermitsAK http://yosemite.epa.gov/r10/water.nsf/npdes+permits/arctic-gp*

See **SUPPLEMENTARY INFORMATION** for other document viewing locations.

FOR FURTHER INFORMATION CONTACT: Erin Seyfried, Office of Water and Watersheds, U.S. Environmental Protection Agency, Region 10, Mail Stop OWW–191, 1200 6th Avenue, Suite 900, Seattle, WA 98101–3140, (206) 553–1448, *seyfried.erin@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA seeks public comment only on the following proposed changes: (1) Inclusion of seasonal prohibitions on wastewater discharges specific to the 3–25 mile lease deferral area in the Chukchi Sea; (2) Clarification of drilling fluid testing requirements (Discharge 001); (3) Clarification of Environmental Monitoring Program requirements and inclusion of language regarding pre-existing baseline data; (4) Revision of sampling frequencies for fecal coliform and total residual chlorine (Sanitary Wastewater, Discharge 003); and (5)

Clarification of Notice of Intent submission requirements.

Document Viewing Locations.

(1) EPA Region 10 Library, Park Place Building, 1200 6th Avenue, Suite 900, Seattle, WA 98101; (206) 553–1289.

(2) EPA Region 10, Alaska Operations Office, 222 W 7th Avenue, #19, Room 537, Anchorage, AK 99513; (907) 271–5083.

(3) Z. J. Loussac Public Library, 3600 Denali Street, Anchorage, AK 99503; (907) 343–2975.

(4) North Slope Borough School District Library/Media Center, Pouch 169, 829 Aivak Street, Barrow, AK 99723; (907) 852–5311.

EPA's current administrative record for the draft and re-proposed Geotechnical General Permit is available for review at the EPA Region 10 Office, Park Place Building, 1200 6th Avenue, Suite 900, Seattle, WA 98101, between 9:00 a.m. and 4:00 p.m., Monday through Friday. Contact Erin Seyfried at *seyfried.erin@epa.gov* or (206) 553–1448.

Oil Spill Requirements. Section 311 of the Act, 33 U.S.C. 1321, prohibits the discharge of oil and hazardous materials in harmful quantities. Discharges authorized under the Geotechnical General Permit are excluded from the provisions of CWA Section 311, 33 U.S.C. 1321. However, the Geotechnical General Permit will not preclude the institution of legal action, or relieve the permittees from any responsibilities, liabilities, or penalties for other unauthorized discharges of oil and hazardous materials, which are covered by Section 311.

Executive Order 12866. The Office of Management and Budget (OMB) exempts this action from the review requirements of Executive Order 12866 pursuant to Section 6 of that order.

Paperwork Reduction Act. EPA has reviewed the requirements imposed on regulated facilities in the Geotechnical General Permit and finds them consistent with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

Regulatory Flexibility Act. Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 et seq., a federal agency must prepare an initial regulatory flexibility analysis ''for any proposed rule'' for which the agency ''is required by section 553 of the Administrative Procedure Act (APA), or any other law, to publish general notice of proposed rulemaking.'' The RFA exempts from this requirement any rule that the issuing agency certifies ''will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' EPA has concluded that NPDES general permits are permits, not rulemakings, under the APA and thus not subject to APA rulemaking requirements or the FRA. Notwithstanding that general permits are not subject to the RFA, EPA has determined that the Geotechnical General Permit will not have a significant impact on a substantial number of small entities. This determination is based on the fact that the regulated companies are not classified as small businesses under the Small Business Administration regulations established at 49 FR 5023 et seq. (February 9, 1984). These facilities are classified as Major Group 13—Oil as Gas Extraction SIC 1311 Crude Petroleum and Natural Gas.

Authority: This action is taken under the authority of Section 402 of the Clean Water Act as amended, 42 U.S.C. 1342. I hereby provide notice that the public comment period for the Geotechnical General Permit re-proposal is reopened until September 30, 2014, in accordance with 40 CFR 124.10 and 124.13.

Dated: September 12, 2014.

Christine Psyk,

Associate Director, Office of Water and Watersheds, Region 10.

[FR Doc. 2014–22475 Filed 9–19–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communication Commission.

ACTION: Notice and request for comments.

SUMMARY: The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995. Comments are requested concerning: Whether the proposed collection(s) of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection(s) of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB Control Number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before October 22, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Leslie F. Smith, Federal Communications Commission (FCC), via email *PRA@fcc.gov* or to *Leslie.Smith@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information on the information collection, contact Leslie F. Smith at (202) 418–0217.

SUPPLEMENTARY INFORMATION: The Commission is requesting that OMB approve this new information collection under the emergency processing provisions of the PRA, 5 CFR 1320.5, 1320.8(d), and 1320.13 by November 3, 2014.

OMB Control Number: 3060–0806.

Titles: Universal Service—Schools and Libraries Universal Service Program, FCC Forms 470 and 471.

Form Number: FCC Forms 470 and 471.

Type of Review: Revision to a currently approved collection.

Respondents: State, local or tribal government public institutions, and other not-for-profit institutions.

Number of Respondents and Responses: 82,000 respondents; 82,000 responses.

Estimated Time per Response: FCC Form 470 (3 hours for response; 0.5 for recordkeeping); FCC Form 471 (4 hours for response; 0.5 for recordkeeping).

Frequency of Response: On occasion and annual reporting requirements, and recordkeeping requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 201–205, 218–220, 254, 303(r), 403, and 405.

Total Annual Burden: 334,000 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no assurance of confidentiality provided to respondents concerning this information collection. However, respondents may request materials or information submitted to the Commission or to the Administrator be withheld from public inspection under 47 CFR 0.459 of the FCC's rules.

Needs and Uses: The Commission seeks to revise OMB 3060–0806 to conform this information collection with changes implemented in the *E-Rate Modernization Order* (WC Docket No. 13–184, FCC 14–99; 79 FR 49160, August 19, 2014) which seeks to promote the Act's universal service goals for schools and libraries. This submission proposes revisions to the FCC Form 470 and instructions and FCC Form 471 and instructions. Collection of the information on FCC Forms 470 and 471 is necessary so that the Commission and USAC have sufficient information to determine if entities are eligible for funding pursuant to the schools and libraries support mechanism, to determine if entities are complying with the Commission's rules, and to prevent waste, fraud, and abuse.

The changes to the collection required by the *E-rate Modernization Order* simplify the application process by moving FCC Forms 470 and 471 to a new electronic filing platform; enabling streamlined review of funding requests that involve multi-year contracts for eligible services; implementing exemptions in the competitive bidding rules for applicants seeking E-rate support to purchase certain commercially available, business-class Internet access services, and/or applicants that take services on a preferred master contract designated by the Bureau; and, implementing a simplified ''district-wide'' discount calculation mechanism. In addition, the revised collection is necessary in order to allow the Commission to evaluate the extent to which the E-rate program is meeting the statutory objectives specified in section 254(h) of the 1996 Act, and the Commission's own performance goals established in the *E-rate Modernization Order.* The revisions will enable the Commission to collect data to facilitate measurement of progress towards the adopted program goals and to establish budgets for schools and libraries, including more detailed data on the nature of the services requested.

The supporting documents for this submission, including revised forms and instructions, may be accessed via this Web site by searching under ''OMB 3060–0806'': *http://www.reginfo.gov/public/do/PRASearch.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2014–22474 Filed 9–19–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 14–1229]

Notice of Suspension and Commencement of Proposed Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the ''Bureau'') gives notice of Gregory P. Styles's suspension from the schools and libraries universal service support mechanism (or ''E-Rate Program''). Additionally, the Bureau gives notice that debarment proceedings are commencing against him. Mr. Styles, or any person who has an existing contract with or intends to contract with him to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation.

DATES: Opposition requests must be received by 30 days from the receipt of the suspension letter or September 22, 2014, whichever comes first. The Bureau will decide any opposition request for reversal or modification of suspension or debarment within 90 days of its receipt of such requests.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Joy Ragsdale, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street SW., Washington, DC 20554. Joy Ragsdale may be contacted by phone at (202) 418–1697 or email at *Joy.Ragsdale@fcc.gov.* If Ms. Ragsdale is unavailable, you may contact Ms. Theresa Cavanaugh, Chief, Investigations and Hearings Division, by telephone at (202) 418–1420 and by email at *Terry.Cavanaugh@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 and 47 CFR 0.111(a)(14). Suspension will help to ensure that the party to be suspended cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 14–1229, which was mailed to Mr. Styles and released on August 26, 2014. The complete text of the notice of suspension and initiation of debarment proceedings is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portal II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. In addition, the complete text is available on the FCC's Web site at *http://www.fcc.gov.* The text may also be purchased from the Commission's duplicating inspection and copying during regular business hours at the contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street SW., Room CY–B420, Washington, DC 20554, telephone (202) 488–5300 or (800) 378–3160, facsimile (202) 488–5563, or via email *http://www.bcpiweb.com.*

Federal Communications Commission.

Theresa Z. Cavanaugh,

Chief, Investigations and Hearings Division, Enforcement Bureau.

August 26, 2014

DA 14–1229

SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Gregory Paul Styles, 15506 Banjo Court, Woodbridge, VA 22193

Re: Notice of Suspension and Initiation of Debarment Proceeding File No. EB–IHD–14–00013502

Dear Mr. Styles: The Federal Communications Commission (Commission) has received notice of your conviction for conspiracy to commit mail fraud in violation of 18 U.S.C 371,[1] a conviction that arose out of activities associated with the federal schools and libraries universal service support mechanism (E-Rate program). Consequently, pursuant to 47 CFR 54.8, this letter constitutes official notice of your suspension from the E-Rate program.[2] In addition, the Enforcement Bureau (Bureau) hereby notifies you that

[1] Any further reference in this letter to ''your conviction'' refers to your guilty plea and subsequent sentencing for conspiring to defraud the United States in *United States* v. *Styles,* Criminal Docket No. 1:06–CR–00013–LJO–1, Plea Agreement (E.D. Cal. filed Oct. 22, 2010) (*Plea Agreement*).

[2] 47 CFR 54.8.

the Bureau will commence debarment proceedings against you.[3]

I. Notice of Suspension

The Commission has established procedures to prevent persons who have ''defrauded the government or engaged in similar acts through activities associated with or related to the [E-Rate program]'' from receiving the benefits associated with that program.[4] The statutory provisions and Commission rules relating to the E-Rate program are designed to ensure that all E-Rate funds are used for their intended purpose.[5] Sections 54.503 and 54.511 of the Commission's rules require that solicitations for E-Rate services be based on a fair and open competitive bidding process that is free from conflicts of interest.[6]

On November 1, 2010, you pled guilty to conspiring with others to defraud the E-Rate program. During the course of that conspiracy, you used your position as the Management Information Systems Director (MIS Director) for the Chowchilla Elementary School District (CESD) to circumvent the E-Rate program's competitive bidding rules.[7] As the MIS Director, you were responsible for CESD's E-Rate procurement process, which included reviewing bids, selecting service providers, awarding contracts, and billing the Universal Service Administrative Company (USAC) for E-Rate work.[8] Those responsibilities made you ineligible to bid on CESD E-Rate projects or receive funds for those projects from USAC.[9] To circumvent these prohibitions, you conspired with Marvin Freeman to have his silk screening business, Twisted Head Design, bid on CESD E-Rate contracts.[10] You then selected Twisted Head Design's bids knowing that the company was unqualified to perform E-Rate work, performed the work yourself or had it performed through subcontractors, and billed USAC for the work.[11] As a result of your fraudulent scheme, USAC disbursed $787,950 to Mr. Freeman, a substantial portion of which Mr. Freeman forwarded to you and which you deposited in your bank account.[12]

On March 17, 2011, the United States District Court for the Eastern District of California sentenced you to serve 30 days in prison followed by three years of supervised release.[13] The court also ordered you to pay $40,000 in restitution to CESD [14] and a $100 special assessment, and to forfeit certain personal property.[15]

Pursuant to § 54.8(b) of the Commission's rules,[16] your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the E-Rate program, including receiving funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program.[17] Your suspension becomes effective upon either your receipt of this letter or its publication in the **Federal Register**, whichever comes first.[18]

In accordance with the Commission's suspension and debarment rules, you may contest this suspension or the scope of this suspension by filing arguments, with any relevant documents, within thirty (30) calendar days of your receipt of this letter or its publication in the **Federal Register**, whichever comes first.[19] Such requests, however, will not ordinarily be granted.[20] The Bureau may reverse or limit the scope of a suspension only upon a finding of extraordinary circumstances.[21] The Bureau will decide any request to reverse or modify a suspension within ninety (90) calendar days of its receipt of such request.[22]

II. Initiation of Debarment Proceedings

In addition to requiring your immediate suspension from the E-Rate program, your conviction is cause for debarment as defined in § 54.8(c) of the Commission's rules.[23] Therefore, pursuant to § 54.8(b) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.[24]

As with the suspension process, you may contest the proposed debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within thirty (30) calendar days of receipt of this letter or

[3] *Id.* 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism,* Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting section 54.521 to suspend and debar parties from the E-Rate program). In 2007 the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight; Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Rural Health Care Support Mechanism; Lifeline and Link Up; Changes to the Board of Directors for the National Exchange Carrier Association, Inc.,* Report and Order, 22 FCC Rcd 16372, App. C at 16410–12 (2007) (*Program Management Order*) (renumbering § 54.521 of the universal service debarment rules as § 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)).

[4] *Second Report and Order,* 118 FCC Rcd at 9225, para. 66; *Program Management Order,* 22 FCC Rcd at 16387, para. 32. The Commission's debarment rules define a ''person'' as ''[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however organized.'' 47 CFR 54.8(a)(6).

[5] *NEC-Business Network Solutions, Inc.,* Notice of Debarment and Order Denying Waiver Petition, 21 FCC Rcd 7491, 7493, para. 7 (2006).

[6] 47 CFR 54.503, 54.511(a); *see Federal-State Joint Board on Universal Service,* CC Docket No. 96–45, Report and Order, 12 FCC Rcd 8776, 9078–80, paras. 480–81 (1997) (subsequent history omitted) (finding that without competitive bidding requirements, the applicant may not receive the most cost-effective services); *Lazo Technologies, Inc.,* Order on Reconsideration, 26 FCC Rcd 16661, 16664, para. 7 (2011) (explaining that a service provider may not be involved in the competitive bidding process other than as a bidder) (*Lazo Recon. Order*); *see also* USAC's Web site description of an Open and Fair Competitive Bidding Process, Step 2 *available at http://www.universalservice.org/sl/applicants/step02/competitive-bidding.aspx* (last visited June 9, 2014).

[7] *Plea Agreement* at 10–12; *see also* United States Attorney's Office, Eastern District of California, Press Releases, *Two Plead Guilty in Scheme to Defraud the Chowchilla Elementary School District,* Nov. 1, 2010, *available at http://www.fbi.gov/sacramento/press-releases/2010/sc110110.html.*

[8] *United States* v. *Styles,* Criminal Docket No. 1:06–CR–00013–001, Indictment at 2 (E.D. Cal. filed Jan. 19, 2006) (*Indictment*).

[9] *See Lazo Recon. Order,* 26 FCC Rcd at 16664, para. 7.

[10] *Plea Agreement* at 11; *see Indictment* at 6. The Bureau is also serving a notice of suspension and initiation of debarment proceedings on Mr. Freeman. *See* Letter from Theresa Z. Cavanaugh, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Marvin Mitchell Freeman, Notice of Suspension and Initiation of Debarment Proceedings, DA 14–1230 (Enf. Bur. Aug. 26, 2014).

[11] *Plea Agreement* at 11; *see Indictment* at 6.

[12] *Plea Agreement* at 12; *see Indictment* at 9, 12.

[13] *United States* v. *Styles,* Criminal Docket No. 1:06–CR–00013–001, Judgment at 1 – 5 (E.D. Cal. filed Mar. 17, 2011, *amended* June 15, 2011) (*Judgment*).

[14] *Id.* at 5. The court ordered Messrs. Styles and Freeman to pay this restitution joint and severally. *Id.* at 6.

[15] *Id.*

[16] 47 CFR 54.8(a)(4); *see Second Report and Order,* 18 FCC Rcd at 9225–27, paras. 67–74.

[17] 47 CFR 54.8(a)(1), (d).

[18] *Second Report and Order,* 18 FCC Rcd at 9226, para. 69; 47 CFR 54.8(e)(1).

[19] 47 CFR 54.8(e)(4).

[20] *Id.*

[21] 47 CFR 54.8(f).

[22] *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5), (f).

[23] ''Causes for suspension and debarment are conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism, the high-cost support mechanism, the rural healthcare support mechanism, and the low-income support mechanism.'' 47 CFR 54.8(c). Associated activities ''include the receipt of funds or discounted services through [the federal universal service] support mechanisms, or consulting with, assisting, or advising applicants or service providers regarding [the federal universal service] support mechanisms.'' *Id.* 54.8(a)(1).

[24] *Id.* 54.8(b).

its publication in the **Federal Register**, whichever comes first.[25] The Bureau, in the absence of extraordinary circumstances, will notify you of its decision to debar within ninety (90) calendar days of receiving any information you may have filed.[26] If the Bureau decides to debar you, its decision will become effective upon either your receipt of a debarment notice or publication of the decision in the **Federal Register**, whichever comes first.[27]

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the E-Rate program for three years from the date of debarment.[28] The Bureau may set a longer debarment period or extend an existing debarment period if necessary to protect the public interest.[29]

Please direct any response, if sent by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street SW., Room TW–A325, Washington, DC 20554 and to the attention of Joy M. Ragsdale, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4–C330, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554 with a copy to Theresa Z. Cavanaugh, Division Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4–C330, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. All messenger or hand delivery filings must be submitted without envelopes.[30] If sent by commercial overnight mail (other than U.S. Postal Service (USPS) Express Mail and Priority Mail), the response must be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by USPS First Class, Express Mail, or Priority Mail, the response should be addressed to Joy Ragsdale, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street SW., Room 4–C330, Washington, DC 20554, with a copy to Theresa Z. Cavanaugh, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street SW., Room 4–C330, Washington, DC 20554. You shall also transmit a copy of your response via email to Joy M. Ragsdale, *Joy.Ragsdale@fcc.gov,* and Theresa Z. Cavanaugh, *Terry.Cavanaugh@fcc.gov*.

If you have any questions, please contact Ms. Ragsdale via U.S. postal mail, email, or by telephone at (202) 418–1697. You may contact me at (202) 418–1553 or at the email address noted above if Ms. Ragsdale is unavailable.

Sincerely yours,
Theresa Z. Cavanaugh,
Chief, Investigations and Hearings Division Enforcement Bureau.

cc: Johnnay Schrieber, Universal Service Administrative Company (via email);

Rashann Duvall, Universal Service Administrative Company (via email);

Mark J. McKeon, United States Attorney's Office, Eastern District of California (via email)

[FR Doc. 2014–22499 Filed 9–19–14; 8:45 am]

BILLING CODE 6712–01–P

[25] *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(3).

[26] *Second Report and Order*, 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5).

[27] 47 CFR 54.8(e)(5). The Commission may reverse a debarment, or may limit the scope or period of debarment, upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. *Id.* 54.8(f).

[28] *Second Report and Order*, 18 FCC Rcd at 9225, para. 67; 47 CFR 54.8(d), (g).

[29] 47 CFR 54.8(g).

[30] *See* FCC *Public Notice*, DA 09–2529 for further filing instructions (rel. Dec. 3, 2009).

FEDERAL MARITIME COMMISSION

Sunshine Act Meetings

AGENCY: Federal Maritime Commission.

TIME AND DATE: September 25, 2014; 10 a.m.

PLACE: 800 N. Capitol Street NW., First Floor Hearing Room, Washington, DC.

STATUS: The meeting will be held in Open Session.

MATTERS TO BE CONSIDERED:

Open Session

1. Briefing by Chairman Cordero on Public Forum held September 15th at the Port of Los Angeles Concerning Causes and Implications of Congestion at U.S. Ports
2. Briefing on Publication of Ocean Transportation Intermediary Licensing Information on Commission's Web site
3. Docket No. 13–05, Amendments to Regulations Governing Ocean Transportation Intermediary Licensing and Financial Responsibility Requirements, and General Duties

CONTACT PERSON FOR MORE INFORMATION: Karen V. Gregory, Secretary (202) 523 5725.

Karen V. Gregory,
Secretary.

[FR Doc. 2014–22565 Filed 9–18–14; 4:15 pm]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of a proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Acting Clearance Officer—John Schmidt—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

Report title: Disclosure Requirements in Connection with Regulation CC (Expedited Funds Availability Act (EFAA)).

Agency form number: Reg CC.

OMB control number: 7100–0235.

Frequency: Event-generated.

Reporters: State member banks and uninsured state branches and agencies of foreign banks.

Annual reporting hours: 195,846 hours.

Estimated average hours per response: Banks: Specific availability policy disclosure and initial disclosures, 1 minute; notice in specific policy disclosure, 3 minutes; notice of exceptions, 3 minutes; locations where employees accept consumer deposits, 15 minutes; annual notice of new automated teller machines (ATMs), 5 hours; ATM changes in policy, 20 hours; notice of nonpayment, 1 minute; expedited recredit for consumers, 15 minutes; expedited recredit for banks, 15 minutes; consumer awareness, 1 minute. Consumers: Expedited recredit claim notice, 15 minutes.

Number of respondents: 1,025.

General description of report: This information collection is mandatory. Reg CC is authorized pursuant the EFAA, as amended, and the Check 21 Act (12 U.S.C. 4008 and 12 U.S.C. 5014, respectively). Because the Federal Reserve does not collect any information, no issue of confidentiality arises. However, if, during a compliance examination of a financial institution, a violation or possible violation of the EFAA or the Check 21 Act is noted then information regarding such violation may be kept confidential pursuant to Section (b)(8) of the Freedom of Information Act. 5 U.S.C. 552(b)(8).

Abstract: Regulation CC requires banks to make funds deposited in transaction accounts available within specified time periods, disclose their availability policies to customers, and begin accruing interest on such deposits promptly. The disclosures are intended to alert customers that their ability to use deposited funds may be delayed, prevent unintentional (and potentially costly) overdrafts, and allow customers to compare the policies of different banks before deciding at which bank to deposit funds. The regulation also requires notice to the depositary bank and to a customer of nonpayment of a check. Model disclosure forms, clauses, and notices are appended to the regulation to ease compliance.

Current Actions: On February 4, 2014, the Federal Reserve published a notice of proposed rulemaking (NPRM) in the **Federal Register** for public comment (79 FR 6674).[1] The NPRM contained a number of substantive amendments to Regulation CC (Availability of Funds and Collection of Checks).[2] In the NPRM, the Federal Reserve also proposed to extend for three years, without revision, the current information collection in connection with Regulation CC. The comment period expired on May 2, 2014. The Federal Reserve did not receive any comments on information collection aspect of the NPRM and therefore will proceed with extending the current information collection for three years, without revision, as proposed.

Board of Governors of the Federal Reserve System, September 17, 2014.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2014–22487 Filed 9–19–14; 8:45 am]

BILLING CODE 6210–01–P

[1] Docket No. R–1409.

[2] The Federal Reserve requested comment on expanding the provisions of Regulation CC that currently apply only to paper checks to electronic checks and electronic returned checks that banks exchange by agreement. The Federal Reserve also requested comment on alternative approaches to modifying the current expeditious-return and notice of nonpayment requirements to encourage the few remaining banks demanding paper returns to accept electronic returns. In addition, the Federal Reserve requested comment on a new indemnity for electronic items cleared through the check collection system that did not originate as paper checks. The Federal Reserve received 40 comment letters on the proposed revisions, currently under review, to be addressed in a separate notice.

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 7, 2014.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Kathryn J. Kelly,* Severy, Kansas, as co-trustee of the E. Eugene Kelly Special Trust; to retain voting shares of Elk County Bankshares, Inc., and thereby indirectly retain voting shares of Howard State Bank, both in Howard, Kansas.

Board of Governors of the Federal Reserve System, September 17, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–22463 Filed 9–19–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR Part 238), and Regulation MM (12 CFR Part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 17, 2014.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Ben Franklin Financial, Inc.;* to become a savings and loan holding company by acquiring 100 percent of the voting shares of Ben Franklin Bank of Illinois, both of Arlington Heights, Illinois. Ben Franklin Financial, MHC, Arlington Heights, Illinois, proposes to convert to stock form and merge with

Ben Franklin Financial, Inc., and will be merged into Ben Franklin Financial, Inc., a de novo corporation.

Board of Governors of the Federal Reserve System, September 17, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–22462 Filed 9–19–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 7, 2014.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Plains Bancorp, Inc.,* Dimmitt, Texas; to engage *de novo* in extending credit and servicing loans, pursuant to section 225.28(b)(1).

Board of Governors of the Federal Reserve System, September 17, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–22464 Filed 9–19–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m. (Eastern Time) September 29, 2014 (Telephonic).

PLACE: 10th Floor Board Meeting Room, 77 K Street NE., Washington, DC 20002.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Approval of the Minutes of the August 21, 2014 Board Member Meeting
2. Monthly Reports
   a. Monthly Participant Activity Report
   b. Monthly Investment Report
   c. Legislative Report
3. Office of Investments (OI) Report
4. 2015 Calendar Review

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: September 18, 2014.

James Petrick,

Secretary, Federal Retirement Thrift Investment Board.

[FR Doc. 2014–22615 Filed 9–18–14; 4:15 pm]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting Population Health Subcommittee

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Population Health.

Time And Date:

October 27, 2014 8:00 a.m.—5:30 p.m. EST
October 28, 2014 8:30 a.m.—12:30 p.m. EST

Place: U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW., Room 705A, Washington, DC 20201, (202) 690–7100.

Status: Open.

Purpose: The purpose of this roundtable is to consider issues associated with data access and use for community health assessment and improvement. The Roundtable will bring together community leaders, health data 'connectors' (intermediary organizations), and health data suppliers to identify major lessons, needs and gaps in local data access and use and explore how HHS can better support local data efforts. The intention of the gathering is to: (1) Identify the strengths and needs of communities, (2) enhance the role of data connectors, and (3) improve the dissemination strategies of data suppliers. The ultimate goal is to help enable communities systematically and effectively use data and information to enhance local well-being.

Contact Person For More Information: Debbie M. Jackson, Acting Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Room 2339, Hyattsville, Maryland 20782, telephone (301) 458–4614. Program information as well as summaries of meetings and a roster of committee members are available on the NCVHS home page of the HHS Web site: *http://www.ncvhs.hhs.gov/,* where further information including an agenda will be posted when available.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (301) 458–4EEO (4336) as soon as possible.

Dated: September 12, 2014.

James Scanlon,

Deputy Assistant Secretary for Planning and Evaluation, (Science and Data Policy), Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2014–22424 Filed 9–19–14; 8:45 am]

BILLING CODE 4151–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''TeamSTEPPS 2.0 Online Master Trainer Course.'' In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on May 14th 2014 and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by October 22, 2014.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@ahrq.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

TeamSTEPPS 2.0 Online Master Trainer Course

As part of its effort to fulfill its mission goals, AHRQ, in collaboration with the U.S. Department of Defense's TRICARE Management Activity, developed TeamSTEPP51) (aka, Team Strategies and Tools for Enhancing Performance and Patient Safety) to provide an evidence-based suite of tools and strategies for training teamwork-based patient safety to health care professionals. TeamSTEPPS includes multiple toolkits, which are all tied to or are variants of the core curriculum. TeamSTEPPS resources have been developed for primary care, rapid response systems, long-term care, and patients with limited English proficiency.

The main objective of the TeamSTEPPS program is to improve patient safety by training health care staff in various teamwork, communication, and patient safety concepts, tools, and techniques and ultimately helping to build national capacity for supporting teamwork-based patient safety efforts in health care organizations. Since 2007, AHRQ's National Implementation Program has produced (and continues to produce) Master Trainers who have stimulated the use and adoption of TeamSTEPPS in health care delivery systems. These individuals were trained during two-day, in-person classes using the TeamSTEPPS core curriculum at regional training centers across the U.S. AHRQ has also provided technical assistance and consultation on implementing TeamSTEPPS and has developed various channels of learning (e.g., user networks, various educational venues) for continued support and the improvement of teamwork in health care. Since the inception of the National Implementation Program, AHRQ has trained more than 5,000 participants to serve as TeamSTEPPS Master Trainers.

Despite the success of the National Implementation Program and the availability of training through this initiative, AHRQ has been unable to match the demand for TeamSTEPPS Master Training. Wait lists for training often exceed 500 individuals at any given time.

To address this prevailing need, AHRQ has launched an effort to develop and provide TeamSTEPPS training online. This program, known as TeamSTEPPS 2.0 Online Master Trainer course, will mirror the TeamSTEPPS 2.0 core curriculum and provide equivalent training to the in-person classes offered through the National Implementation Program.

As part of this initiative, AHRQ seeks to conduct an evaluation of the TeamSTEPPS 2.0 Online Master Trainer program. This evaluation seeks to understand the effectiveness of TeamSTEPPS 2.0 Online Master Training and what revisions might be required to improve the training program.

This research has the following goals:

(1) Conduct a formative assessment of the TeamSTEPPS 2.0 Online Master Trainer program to determine what improvements should be made to the training and how it is delivered, and

(2) Identify how trained participants use and implement the TeamSTEPPS tools and resources.

This study is being conducted by AHRQ through its contractor, Reingold, Inc., pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness, and value of health care services and with respect to quality measurement and improvement, 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve this project's goals, AHRQ will train participants using the TeamSTEPPS 2.0 Online Master Trainer program and then survey these participants six months post-training. Each activity is briefly described below.

1. TeamSTEPPS 2.0 Online Master Trainer Course. This training program, which includes 13 accredited hours of training, is based on the TeamSTEPPS 2.0 instructional materials and will be delivered online to 3,000 participants. The training will cover the core TeamSTEPPS tools and strategies, coaching, organizational change, and implementation science.

2. TeamSTEPPS 2.0 Online Post-Training Survey. This online instrument will be administered to all participants who completed TeamSTEPPS 2.0 Online Master Training. The survey will be administered six months after participants complete the training.

This is a new data collection for the purpose of conducting an evaluation of TeamSTEPPS 2.0 Online Master Trainer program. The evaluation will be primarily formative in nature as AHRQ seeks information to improve the delivery of the training.

To conduct the evaluation, the TeamSTEPPS 2.0 Online Post-Training Survey will be administered to all individuals who completed the TeamSTEPPS 2.0 Online Master Trainer program six months after training. The purpose of the survey is to assess the degree to which participants felt prepared by the training and what they did to implement TeamSTEPPS. Specifically, participants will be asked about their reasons for participating in the program; the degree to which they feel the training prepared them to train others in and use TeamSTEPPS; what tools they have implemented in their organizations; and resulting changes they have observed in the delivery of care.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondent's time to participate in the study. The TeamSTEPPS 2.0 Online Post-Training Survey will be completed by approximately 3,000 individuals and is estimated to require 20 minutes to complete. The total annualized burden is estimated to be 10,000 hours.

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to participate in the study. The total cost burden is estimated to be $35,344.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Training participant questionnaire	3,000	10	20/60	10,000
Total	3,000	N/A	N/A	10,000

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Training participant questionnaire	3,000	10,000	$35.93	$359,300
Total	3,000	10,000	N/A	$359,000

* Based on the mean of the average wages for all health professionals (29–0000) for the training participant questionnaire and for executives, administrators, and managers for the organizational leader questionnaire presented in the National Compensation Survey: Occupational Wages in the United States, May 2012, U.S. Department of Labor, Bureau of Labor Statistics. *www.b1s.gov/oes/current/oes_nat.htm#37-0000*.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: September 12, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–22240 Filed 9–19–14; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, AHRQ [has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery,'' to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.).

This proposed information collection was previously published in the **Federal Register** on June 4th 2014 and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by October 22, 2014.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov*.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will gamer qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but which is not based on statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. The current clearance was approved on July 24th, 2011 (OMB Control Number 0935–0179) and will expire on July 31st, 2014.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information does not apply to quantitative information collections that are designed to yield reliable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous

designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Below we provide AHRQ's projected average annual estimates for the next three years:

Current Actions: New collection of information.

Type of Review: New Collection.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average Expected Annual Number of activities: 10.

Respondents: 10,900.

Annual responses: 10,900.

Frequency of Response: Once per request.

The total number of respondents across all 10 activities in a given year is 10,900.

Average minutes per response: 19.

Burden hours: 3,452.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of Public record.

Dated: September 11, 2014.

Richard Kronick,

Director.

[FR Doc. 2014–22214 Filed 9–19–14; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Community Preventive Services Task Force (Task Force)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The Centers for Disease Control and Prevention (CDC) announces the next meeting of the Community Preventive Services Task Force (Task Force). The Task Force is an independent, nonpartisan, nonfederal, and unpaid panel. Its members represent a broad range of research, practice, and policy expertise in prevention, wellness, health promotion, and public health, and are appointed by the CDC Director. The Task Force was convened in 1996 by the Department of Health and Human Services (HHS) to identify community preventive programs, services, and policies that increase healthy longevity, save lives and dollars and improve Americans' quality of life. CDC is mandated to provide ongoing administrative, research, and technical support for the operations of the Task Force. During its meetings, the Task Force considers the findings of systematic reviews on existing research, and issues recommendations. Task Force recommendations provide information about evidence-based options that decision makers and stakeholders can consider when determining what best meets the specific needs, preferences, available resources, and constraints of their jurisdictions and constituents. The Task Force's recommendations, along with the systematic reviews of the scientific evidence on which they are based, are compiled in the *Guide to Community Preventive Services (Community Guide).*

DATES: The meeting will be held on Wednesday, October 29, 2014 from 8:30 a.m. to 6:00 p.m. EDT and Thursday, October 30, 2014 from 8:30 a.m. to 1:00 p.m. EDT.

ADDRESSES: The Task Force Meeting will be held at CDC Edward R. Roybal Campus, Tom Harkin Global Communications Center (Building 19), 1600 Clifton Road NE., Atlanta, GA 30333. You should be aware that the meeting location is in a Federal government building; therefore, Federal security measures are applicable. For additional information, please see Roybal Campus Security Guidelines under **SUPPLEMENTARY INFORMATION**. Information regarding meeting logistics will be available on the Community Guide Web site (*www.thecommunityguide.org*).

Meeting Accessibility: This meeting is open to the public, limited only by space availability in the meeting location. All meeting attendees must RSVP to ensure the required security procedures are completed to gain access to the CDC's Global Communications Center.

U.S. citizens must RSVP by 10/03/2014.

Non U.S. citizens must RSVP by 9/26/2014 due to additional security steps that must be completed.

In addition to in-person participation, individuals may view presentations via live video stream on the Internet. Those interested in accessing the live stream must also RSVP, and additional information will be sent to registrants requesting connectivity via the Internet in advance of the meeting. Failure to RSVP by the dates identified could result in an inability to attend the Task Force meeting due to the strict security regulations on federal facilities.

FOR FURTHER INFORMATION AND TO RSVP CONTACT: Terica Scott, The Community Guide Branch; Division of Epidemiology, Analysis, and Library Services; Center for Surveillance, Epidemiology and Laboratory Services; Office of Public Health Scientific Services; Centers for Disease Control and Prevention, 1600 Clifton Road, MS–E–69, Atlanta, GA 30333, phone: (404) 498–6360, email: *CPSTF@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The purpose of the meeting is for the Task Force to consider the findings of systematic reviews and issue findings and recommendations. Task Force recommendations provide information about evidence-based options that decision makers and stakeholders can consider when determining what best meets the specific needs, preferences, available resources, and constraints of their jurisdictions and constituents.

Matters to be discussed: Diabetes, cardiovascular disease, and promoting health equity. Topics are subject to change.

Roybal Campus Security Guidelines: The Edward R. Roybal Campus is the headquarters of the U.S. Centers for Disease Control and Prevention and is located at 1600 Clifton Road NE., Atlanta, Georgia. The meeting is being held in a Federal government building; therefore, Federal security measures are applicable.

All meeting attendees must RSVP by the dates outlined under *Meeting Accessability.* In planning your arrival time, please take into account the need to park and clear security. All visitors must enter the Roybal Campus through the entrance on Clifton Road. Your car may be searched, and the guard force will then direct visitors to the designated parking area. Upon arrival at the facility, visitors must present government issued photo identification (e.g., a valid federal identification badge, state driver's license, state non-driver's identification card, or passport). Non-United States citizens must complete the required security paperwork prior to the meeting date and must present a valid passport, visa, Permanent Resident Card, or other type of work authorization document upon arrival at the facility. All persons entering the building must pass through a metal detector. Visitors will be issued a visitor's ID badge at the entrance to Building 19 and may be escorted to the meeting room. All items brought to HHS/CDC are subject to inspection.

Dated: September 17, 2014.

Ron A. Otten,

Acting Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2014–22502 Filed 9–19–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0487]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Food and Drug Administration Service Delivery

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA).

DATES: Fax written comments on the collection of information by October 22, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0697. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Generic Clearance for the Collection of Qualitative Feedback on FDA Service Delivery—(OMB Control Number 0910–0697)—Extension

The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback, FDA means information that provides useful insight on perceptions and opinions, not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insight into customer or stakeholder perceptions; experiences and expectations; provide an early warning of issues with service; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. This information collection will allow for ongoing collaborative and actionable communications among the FDA and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address the following: The target population to which the generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, the methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

In the **Federal Register** of April 29, 2014 (79 FR 23980), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Focus groups	725	1	725	1.75	1,269
Customer comment cards/forms	1,200	1	1,200	0.25 (15 minutes)	300
Small discussion groups	725	1	725	1.75	1,269
Customer satisfaction surveys	6,450	1	6,450	0.33 (20 minutes)	2,129
Total					4,967

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 16, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–22461 Filed 9–19–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1164]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Exceptions or Alternatives to Labeling Requirements for Products Held by the Strategic National Stockpile

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Exceptions Or Alternatives to Labeling Requirements for Products Held by the Strategic National Stockpile'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On July 22, 2014, the Agency submitted a proposed collection of information entitled ''Exceptions Or Alternatives to Labeling Requirements for Products Held by the Strategic National Stockpile'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0614. The approval expires on August 31, 2017. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: September 16, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–22452 Filed 9–19–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0369]

Bioequivalence Recommendations for Estradiol Vaginal Cream; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a revised draft guidance for industry entitled ''Draft Guidance on Estradiol.'' The guidance provides specific recommendations on the design of bioequivalence (BE) studies to support abbreviated new drug applications (ANDAs) for estradiol vaginal cream. This draft guidance is a revised version of a previously issued draft guidance of the same subject.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comments on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by November 21, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kris André, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1615, Silver Spring, MD 20993, 240–402–7800.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products,'' which explained the process that would be used to make product-specific BE recommendations available to the public on FDA's Web site at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.* As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific BE recommendations and to provide a meaningful opportunity for the public to consider and comment on those recommendations. This notice announces the availability of revised draft BE recommendations for estradiol vaginal cream.

ANDA 086069 for Estrace Cream (estradiol vaginal cream, USP, 0.01%) was initially approved by FDA in January 1984. In August 2009, FDA issued a draft guidance for industry on BE recommendations for generic estradiol vaginal cream. FDA is now issuing a revised version of the draft BE recommendations for estradiol vaginal cream. This revised draft guidance changes the recommendation for an in

vivo pharmacokinetic BE study from a parallel study design to a crossover study design, but is the same in all other respects.

In January 2005, Warner Chilcott, Inc., submitted a citizen petition requesting that FDA stay final approval and/or the effective date of final approval of any ANDA that relies on Estrace Cream as the reference listed drug unless the ANDA meets certain requirements related to demonstrating bioequivalence. FDA reviewed the issues raised in the petition and is responding to the petition (see FDA letter to Warner Chilcott, Inc, Docket No. FDA–2005–P–0006, available at *http://www.regulations.gov*).

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on the design of BE studies to support ANDAs for estradiol vaginal cream. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: September 16, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–22450 Filed 9–19–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on December 12, 2014, from 8 a.m. to 6 p.m.

Location: Holiday Inn Washington-College Park, 10000 Baltimore Ave., College Park, MD 20740. The hotel phone number is 1–800–315–2621.

Contact Person: S.J. Anderson, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1643, Silver Spring MD 20993–0002, *Sara.Anderson@fda.hhs.gov,* 301–796–7047, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On December 12, 2014, the committee will discuss, make recommendations, and vote on information regarding the premarket approval application for the Superion InterSpinous Spacer device sponsored by Vertiflex Incorporated. The proposed Indication for Use for the Superion InterSpinous Spacer device, as stated in the PMA, is as follows: the Superion InterSpinous Spacer (the Superion ISS) is intended to treat skeletally mature patients suffering from pain, numbness, and/or cramping in the legs (neurogenic intermittent claudication) secondary to a diagnosis of moderate lumbar spinal stenosis, with or without Grade 1 spondylolisthesis, confirmed by X-ray, MRI and/or CT evidence of thickened ligamentum flavum, narrowed lateral recess, and/or central canal or foraminal narrowing. The Superion ISS is indicated for those patients with impaired physical function who experience relief in flexion from symptoms of leg/buttock/groin pain, numbness, and/or cramping, with or without back pain. The Superion ISS may be implanted at one or two adjacent lumbar (L) levels in patients in whom treatment is indicated at no more than two levels, from L1 to L5.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 13, 2014. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. on December 12, 2014. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 5, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 6, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact AnnMarie Williams, at 301–796–5966. *Annmarie.williams@fda.hhs.gov* at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 16, 2014.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2014–22444 Filed 9–19–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

First Annual Neonatal Scientific Workshop—Roadmap for Applying Regulatory Science to Neonates; Notice of Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public scientific workshop to discuss the roadmap for applying regulatory science to neonates. This public scientific workshop is being co-sponsored with the FDA, the Critical Path Institute (C-Path) and the Burroughs Welcome Fund (BWF).

The purpose of the public scientific workshop is to initiate constructive discussion among regulators, researchers, health care providers, representatives from the pharmaceutical industry and health care organizations, and the general public to determine whether there is sufficient interest on the part of stakeholders to develop a neonatal consortium and to discuss potential working groups dedicated to the regulatory science required to develop neonatal therapeutics.

DATES: The public scientific workshop will be held on October 28 and 29, 2014, from 8 a.m. to 5 p.m. Section II provides attendance and registration information.

ADDRESSES: The public scientific workshop will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503A), Silver Spring, MD 20993–0002. Entrance for the public scientific workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FOR FURTHER INFORMATION CONTACT: Indira Hills, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Ave., Bldg. 21, Rm. 4508, Silver Spring, MD 20993, 301–796–9686, FAX: 301–796–9907, *indira.hills@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

C-Path and BWF, in cooperation with FDA and various stakeholders, including industry, academia, professional organizations, patient advocacy groups, and other government Agencies, are proposing to establish the Neonatal Consortium in order to leverage resources and expertise toward mutually beneficial goals and in the interest of public health. Some of the potential priorities of the Neonatal Consortium to be discussed at the public scientific workshop would be the following:

1. Developing and qualifying biomarkers, clinical outcome assessments, and other drug development tools. Valid and reliable endpoints are presently lacking in neonatal clinical trials.

2. Developing physiologically-based pharmacokinetic modeling and simulation to predict on and off target responses to drugs.

3. Optimizing clinical trial designs for the neonatal population. One aspect of clinical trial design in neonates is the need for long-term studies to properly evaluate the effects of an intervention. There is also interest in examining bioethical questions related to neonatal care and their solutions.

4. Maximizing the use of registry data. Such registries may be useful in long-term studies.

5. Developing Clinical Data Interchange Standards Consortium data standards for registry data, electronic health record information, and clinical trial data.

6. Building a neonatal database in which standardized data pooled from industry and academic neonatal trials could reside. Such a database would be an invaluable resource for the neonatal community.

II. Attendance and Registration

The FDA Conference Center at the White Oak location is a Federal facility with security procedures and limited seating. Individuals who wish to participate in the public scientific workshop (in person or via web) must register on or before October 20, 2014, by visiting *http://www.cvent.com/d/34qr03* and contacting Indira Hills (see **FOR FURTHER INFORMATION CONTACT**) or Kerrie Bennymadho, Project Coordinator, Critical Path Institute, 520–382–1377, Cell: 760–636–3046, *kbennymadho@c-path.org* regarding registration. Early registration is recommended. Registration is free and will be on a first-come, first-served basis. However, FDA may limit the number of participants from each organization based on space limitations. Onsite registration on the day of the public scientific workshop will be based on space availability. The registration deadline is October 20, 2014.

FDA will provide additional background information at the time the **Federal Register** notice is published and an agenda approximately 2 weeks before the public scientific workshop at FDA Meeting Information page, which is available online at *http://www.fda.gov/Drugs/NewsEvents/ucm410863.htm.*

If you need special accommodations because of disability, please contact Indira Hills (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the public scientific workshop.

A live Webcast of this public scientific workshop will be viewable at Adobe Connect Link: *https://collaboration.fda.gov/nsw2014/* on the day of the public scientific workshop. A video record of the public scientific workshop will be available at the same Web address for 1 year.

III. Transcripts

Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (HFA–305). A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn

Dr., Element Bldg., Rockville, MD 20857.

Dated: September 16, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–22460 Filed 9–19–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Direct Impact Corona Ionization Mass Spectrometry

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209 and 37 CFR part 404, that the Food and Drug Administration, an agency within the Department of Health and Human Services, through the National Institutes of Health Office of Technology Transfer is contemplating the grant of an exclusive worldwide license to practice the inventions embodied in HHS Ref. No. E–258–2011/0, ''Direct Impact Corona Ionization (DICI) Mass Spectrometry;'' U.S. Patent 8,704,169, to Vivione Biosciences, Inc., a corporation incorporated under the laws of the State of Arkansas, having a principle place of business at 515 W. Matthews Ave., Jonesboro, AR 72401.

The United States of America is the assignee of the patent rights pertaining to this invention.

The exclusivity period of the contemplated license may be granted for no more than seven (7) years, may be territorially limited to the United States and may be limited to a field of use directed to direct impact corona ionization mass spectrometry pattern recognition devices and systems for detection of small molecules and microbiological agents.

DATES: Only written comments and/or applications for a license that are received by the NIH Office of Technology Transfer on or before October 22, 2014 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Michael Shmilovich, Esq, CLP, Senior Licensing and Patent Manager, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5019; Facsimile: (301) 402–0220; Email: *shmilovm@mail.nih.gov.* A signed confidential disclosure agreement may be required to receive copies of the patent application assuming it has not already been published under the publication rules of either the U.S. Patent and Trademark Office or the World Intellectual Property Organization.

SUPPLEMENTARY INFORMATION: E–258–2011/0 (U.S. Patent 8,704,169)—The invention relates to the uses of an AccuTOF DART (time-of-flight mass spectrometer coupled to direct analysis in real time) mass spectrometer for qualitatively analyzing samples (originally designed for microbes) based on the serendipitous discovery that glowing direct impact corona ionization greatly enhances sensitivity of identification. This direct impact corona ionization occurred while repositioning the stainless steel pin too close to the grid of the ion source gun. Examination revealed that not only did the peak intensity increase by 490 fold but the spectral information was well beyond anything seen before with only the normal ionization mode on the same instrument. Initially, pyrolysis was considered necessary for vaporizing low volatility components of microbiological analytes, a prerequisite for ionizing and introducing samples into the mass spectrometer. However, pyrolysis introduced particles from burned electrical wiring insulation because of the high current necessary. As an alternative, the inventors replaced the pyrolysis device with a power generator used for direct corona ionizing microbiological analytes in a controlled fashion. Furthermore, a small custom-made glass cylinder with two juxtaposing holes on each side was set up within the sample introduction chamber to exclude oxygen thus preventing oxidation of microbiological analytes. Additionally, the insulation provided by this cylinder kept out ambient moisture thus ensuring proton transfer from water molecules would not contribute to irreproducible ionization of the analyte.

The prospective exclusive license will be royalty-bearing and comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published notice, the National Institutes of Health Office of Technology Transfer receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: September 18, 2014.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2014–22454 Filed 9–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Clinical and Translational Imaging Applications.

Date: October 15, 2014.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Eileen W Bradley, DSC, Chief, SBIB IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5100, MSC 7854, Bethesda, MD 20892, (301) 435–1179, *bradleye@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Vascular Biology of Diabetes and Atherosclerosis.

Date: October 15, 2014.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Anshumali Chaudhari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124,

MSC 7802, Bethesda, MD 20892, (301) 435–1210, *chaudhaa@csr.nih.gov*.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Drug Discovery and Mechanisms of Antimicrobial Resistance Study Section.

Date: October 16–17, 2014.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Guangyong Ji, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, MSC 7808, Bethesda, MD 20892, 301–435–1146, *jig@csr.nih.gov*.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group, Gastrointestinal Mucosal Pathobiology Study Section.

Date: October 20–21, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.

Contact Person: Jonathan K Ivins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2190, MSC 7850, Bethesda, MD 20892, (301) 594–1245, *ivinsj@csr.nih.gov*.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group, Hepatobiliary Pathophysiology Study Section.

Date: October 20–21, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree Suites by Hilton Santa Monica, 1707 Fourth Street, Santa Monica, CA 90401.

Contact Person: Bonnie L Burgess-Beusse, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–435–1783, *beusseb@mail.nih.gov*.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group, Community-Level Health Promotion Study Section.

Date: October 20–21, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Ping Wu, Ph.D., Scientific Review Officer, HDM IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, Bethesda, MD 20892, 301–451–8428, *wup4@csr.nih.gov*.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group, Developmental Therapeutics Study Section.

Date: October 20–21, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Baltimore, 401 West Pratt Street, Baltimore, MD 21201.

Contact Person: Sharon K Gubanich, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 408–9512, *gubanics@csr.nih.gov*.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group, Pathobiology of Kidney Disease Study Section.

Date: October 20–21, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov*.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Child Psychopathology and Developmental Disabilities Study Section.

Date: October 20–21, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Jane A. Doussard-Roosevelt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, *doussarj@csr.nih.gov*.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Virology—B Study Section.

Date: October 20–21, 2014.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: John C Pugh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1206, MSC 7808, Bethesda, MD 20892, (301) 435–2398, *pughjohn@csr.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Cellular and Molecular Biology of Neurodegeneration Study Section.

Date: October 20–21, 2014.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 5 Hotel, 711 Eastern Avenue, Baltimore, MD 21202.

Contact Person: Laurent Taupenot, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–435–1203, *taupenol@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR–14–089: Alzheimer's Disease Pilot Clinical Trials.

Date: October 20, 2014.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mark Lindner, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, 301–435–0913, *mark.lindner@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Enabling Bioanalytical and Imaging Technologies.

Date: October 20, 2014.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications,

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maria DeBernardi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7892, Bethesda, MD 20892, 301–435–1355 *debernardima@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 16, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–22456 Filed 9–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C.,

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Diabetes, Endocrinology and Metabolic Diseases B Subcommittee.

Date: October 14–16, 2014.

Open: October 14, 2014, 5:30 p.m. to 6:00 p.m.

Agenda: To review policy and procedures.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: October 14, 2014, 6:00 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: October 15, 2014, 8:00 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: October 16, 2014, 8:00 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John F. Connaughton, Ph.D., Chief, Chartered Committees Section, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7797, *connaughtonj@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Kidney, Urologic and Hematologic Diseases D Subcommittee.

Date: October 21–23, 2014.

Open:3 October 21, 2014, 4:00 p.m. to 4:30 p.m.

Agenda: To review policy and procedures.

Place: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

Closed: October 21, 2014, 4:30 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

Closed: October 22, 2014, 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

Closed: October 23, 2014, 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Barbara A. Woynarowska, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Digestive Diseases and Nutrition C Subcommittee.

Date: October 22–24, 2014.

Open: October 22, 2014, 6:00 p.m. to 6:30 p.m.

Agenda: To review policy and procedures.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: October 22, 2014, 6:30 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: October 23, 2014, 8:30 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: October 24, 2014, 8:30 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Robert Wellner, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 706, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, *rw175w@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 16, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–22455 Filed 9–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2014–0044]

DHS Data Privacy and Integrity Advisory Committee

AGENCY: Privacy Office, DHS.

ACTION: Committee Management; Request for Applicants for Appointment to the DHS Data Privacy and Integrity Advisory Committee.

SUMMARY: The Department of Homeland Security Privacy Office seeks applicants for appointment to the DHS Data Privacy and Integrity Advisory Committee.

DATES: Applications for membership must reach the Department of Homeland Security Privacy Office at the address below on or before October 22, 2014.

ADDRESSES: If you wish to apply for membership, please submit the documents described below to Shannon Ballard, Designated Federal Officer, DHS Data Privacy and Integrity Advisory Committee, by *either* of the following methods:

- *Email: PrivacyCommittee@hq.dhs.gov.* Include the Docket Number (DHS–2014–0044) in the subject line of the message.
- *Fax:* (202) 343–4010.

FOR FURTHER INFORMATION CONTACT: Shannon Ballard, Designated Federal Officer, DHS Data Privacy and Integrity Advisory Committee, Department of Homeland Security, Washington, DC 20528, by telephone (202) 343–1717, by fax (202) 343–4010, or by email to *PrivacyCommittee@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: The DHS Data Privacy and Integrity Advisory Committee is an advisory committee established in accordance with the provisions of the *Federal Advisory Committee Act* (FACA), 5 U.S.C. Appendix. The Committee was established by the Secretary of Homeland Security under the authority of 6 U.S.C. 451 and provides advice at the request of the Secretary and the DHS Chief Privacy Officer on programmatic, policy, operational, administrative, and technological issues within DHS that relate to personally identifiable information (PII), as well as data integrity and other privacy-related matters. The duties of the Committee are solely advisory in nature. In developing its advice and recommendations, the Committee may, consistent with the requirements of the FACA, conduct studies, inquiries, or briefings in consultation with individuals and groups in the private sector and/or other governmental entities. The Committee typically hosts two public meetings per calendar year.

Committee Membership: The DHS Privacy Office is seeking applicants for terms of three years from the date of appointment. Members are appointed by and serve at the pleasure of the Secretary of the Department of Homeland Security, and must be specially qualified to serve on the Committee by virtue of their education, training, and experience in the fields of data protection, privacy, and/or

emerging technologies, including cybersecurity. Members are expected to actively participate in Committee and Subcommittee activities and to provide material input into Committee research and recommendations. Pursuant to the FACA, the Committee's Charter requires that Committee membership be balanced to include:

1. Individuals who are currently working in higher education, state or local government, or not-for-profit organizations;

2. Individuals currently working in for-profit organizations including at least one who shall be familiar with the data privacy-related issues addressed by small- to medium-sized enterprises; and

3. Other individuals, as determined appropriate by the Secretary.

Committee members serve as Special Government Employees (SGE) as defined in section 202(a) of title 18 United States Code. As such, they are subject to Federal conflict of interest laws and government-wide standards of conduct regulations. Members must annually file Confidential Financial Disclosure Reports (OGE Form 450) for review and approval by Department ethics officials. DHS may not release these reports or the information in them to the public except under an order issued by a Federal court or as otherwise provided under the *Privacy Act* (5 U.S.C. 552a). Committee members are also required to obtain and retain at least a secret-level security clearance as a condition of their appointment. Members are not compensated for their service on the Committee; however, while attending meetings or otherwise engaged in Committee business, members may receive travel expenses and per diem in accordance with Federal regulations.

Committee History and Activities: All individuals interested in applying for Committee membership should review the history of the Committee's work. The Committee's charter and current membership, transcripts of Committee meetings, and all of the Committee's reports and recommendations to the Department are posted on the Committee's Web page on the DHS Privacy Office Web site (*www.dhs.gov/privacy*).

Applying for Membership: If you are interested in applying for membership on the DHS Data Privacy and Integrity Advisory Committee, please submit the following documents to Shannon Ballard, Designated Federal Officer, at the address provided below within 30 days of the date of this notice:

1. A current resume; and

2. A letter that explains your qualifications for service on the Committee and describes in detail how your experience is relevant to the Committee's work.

Your resume and your letter will be weighed equally in the application review process. Please note that by Administration policy, individuals who are registered as Federal lobbyists are not eligible to serve on Federal advisory committees. If you are registered as a Federal lobbyist and you have actively lobbied at any time within the past two years, you are not eligible to apply for membership on the DHS Data Integrity and Privacy Advisory Committee. Applicants selected for membership will be required to certify, pursuant to 28 U.S.C. 1746, that they are not registered as Federal lobbyists.

Please send your documents to Shannon Ballard, Designated Federal Officer, DHS Data Privacy and Integrity Advisory Committee, by *either* of the following methods:

- *Email: PrivacyCommittee@hq.dhs.gov* or
- *Fax:* (202) 343–4010.

Privacy Act Statement: DHS's Use of Your Information

Authority: DHS requests that you voluntarily submit this information under its following authorities: the *Federal Records Act,* 44 U.S.C. 3101; the FACA, 5 U.S.C. Appendix; and the *Privacy Act of 1974,* 5 U.S.C. 552a.

1. Individuals who are currently working in higher education, state or local government, or not-for-profit organizations;

2. Individuals currently working in for-profit organizations including at least one who shall be familiar with the data privacy-related issues addressed by small- to medium-sized enterprises; and

3. Other individuals, as determined appropriate by the Secretary.

Committee members serve as Special Government Employees (SGE) as defined in section 202(a) of title 18 United States Code. As such, they are subject to Federal conflict of interest laws and government-wide standards of conduct regulations. Members must annually file Confidential Financial Disclosure Reports (OGE Form 450) for review and approval by Department ethics officials. DHS may not release these reports or the information in them to the public except under an order issued by a Federal court or as otherwise provided under the *Privacy Act* (5 U.S.C. 552a). Committee members are also required to obtain and retain at least a secret-level security clearance as a condition of their appointment. Members are not compensated for their service on the Committee; however, while attending meetings or otherwise engaged in Committee business, members may receive travel expenses and per diem in accordance with Federal regulations.

Committee History and Activities: All individuals interested in applying for Committee membership should review the history of the Committee's work. The Committee's charter and current membership, transcripts of Committee meetings, and all of the Committee's reports and recommendations to the Department are posted on the Committee's Web page on the DHS Privacy Office Web site (*www.dhs.gov/privacy*).

Applying for Membership: If you are interested in applying for membership on the DHS Data Privacy and Integrity Advisory Committee, please submit the following documents to Shannon Ballard, Designated Federal Officer, at the address provided below within 30 days of the date of this notice:

1. A current resume; and

2. A letter that explains your qualifications for service on the Committee and describes in detail how your experience is relevant to the Committee's work.

Your resume and your letter will be weighed equally in the application review process. Please note that by Administration policy, individuals who are registered as Federal lobbyists are not eligible to serve on Federal advisory committees. If you are registered as a Federal lobbyist and you have actively lobbied at any time within the past two years, you are not eligible to apply for membership on the DHS Data Integrity and Privacy Advisory Committee. Applicants selected for membership will be required to certify, pursuant to 28 U.S.C. 1746, that they are not registered as Federal lobbyists.

Please send your documents to Shannon Ballard, Designated Federal Officer, DHS Data Privacy and Integrity Advisory Committee, by *either* of the following methods:

- *Email: PrivacyCommittee@hq.dhs.gov* or
- *Fax:* (202) 343–4010.

Privacy Act Statement: DHS's Use of Your Information

Authority: DHS requests that you voluntarily submit this information under its following authorities: the *Federal Records Act,* 44 U.S.C. 3101; the FACA, 5 U.S.C. Appendix; and the *Privacy Act of 1974,* 5 U.S.C. 552a.

Principal Purposes: When you apply for appointment to the DHS Data Privacy and Integrity Advisory Committee, DHS collects your name, contact information, and any other personal information that you submit in conjunction with your application. We will use this information to evaluate

your candidacy for Committee membership. If you are chosen to serve as a Committee member, your name will appear in publicly-available Committee documents, membership lists, and Committee reports.

Routine Uses and Sharing: In general, DHS will not use the information you provide for any purpose other than the Principal Purposes, and will not share this information within or outside the agency. In certain circumstances, DHS may share this information on a case-by-case basis as required by law or as necessary for a specific purpose, as described in the DHS/ALL–009 Department of Homeland Security Advisory Committees System of Records Notice (October 3, 2008, 73 FR 63181).

Effects of Not Providing Information: You may choose not to provide the requested information or to provide only some of the information DHS requests. If you choose not to provide some or all of the requested information, DHS may not be able to consider your application for appointment to the Data Privacy and Integrity Advisory Committee.

Accessing and Correcting Information: If you are unable to access or correct this information by using the method that you originally used to submit it, you may direct your request in writing to the DHS Chief FOIA Officer at *foia@hq.dhs.gov.* Additional instructions are available at *http://www.dhs.gov/foiaandintheDHS/ALL-002.* Mailing and Other Lists System of Records referenced above.

Dated: August 16, 2014.

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2014–22492 Filed 9–19–14; 8:45 am]

BILLING CODE 9110–9L–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0033]

Agency Information Collection Activities: Report of Medical Examination and Vaccination Record, Form I–693; Revision of a Currently Approved Collection; Extension, Without Change.

ACTION: 60-day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until November 21, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0033 in the subject box, the agency name and Docket ID USCIS–2006–0074. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.regulations.gov* under e-Docket ID number USCIS–2006–0074;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Report of Medical Examination and Vaccination Record.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–693; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The information collected will be used by USCIS in considering the eligibility for adjustment of status under 8 CFR 209.1(c), 209.2(d), 210.2(d), 245.5 and 245a.3(d)(4); and V nonimmigrant status under 8 CFR 214.15(f).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection is 620,244 and the estimated hour burden per response is 2.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,550,610 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $303,920.

If you need a copy of the information collection instrument with instructions,

or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: September 16, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–22417 Filed 9–19–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0075]

Agency Information Collection Activities: Drawback Process Regulations

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-day Notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Drawback Process Regulations. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before November 21, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Drawback Process Regulations.

OMB Number: 1651–0075.

Form Number: CBP Forms 7551, 7552 and 7553.

Abstract: The collections of information related to the drawback process are required to implement provisions of 19 CFR, Part 191, which provides for a refund of duty for certain merchandise that is imported into the United States and subsequently exported. If the requirements set forth in Part 191 are met, claimants may file for a refund of duties using CBP Form 7551, *Drawback Entry.* CBP Form 7552, *Delivery Certificate for Purposes of Drawback,* is used to record a transfer of merchandise from a company other than the importer of record and is also used each time a change to the imported merchandise occurs as a result of a manufacturing operation. CBP Form 7553, *Notice of Intent to Export, Destroy or Return Merchandise for Purposes of Drawback,* is used to notify CBP if an exportation, destruction, or return of the imported merchandise will take place. The information collected on these forms is authorized by 19 U.S.C. 1313(l). The drawback forms are accessible at *http://www.cbp.gov/newsroom/publications/forms.*

Current Actions: This submission is being made to extend the expiration date of this information collection with no change to the burden hours or to the information being collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

CBP Form 7551, *Drawback Entry*

Estimated Number of Respondents: 6,000.

Estimated Number of Responses per Respondent: 20.

Estimated Number of Total Annual Responses: 120,000.

Estimated Time per Response: 35 minutes.

Estimated Total Annual Burden Hours: 70,000.

CBP Form 7552, Delivery Certificate for Drawback

Estimated Number of Respondents: 2,000.

Estimated Number of Responses per Respondent: 20.

Estimated Number of Total Annual Responses: 40,000.

Estimated Time per Response: 33 minutes.

Estimated Total Annual Burden Hours: 22,000.

CBP Form 7553, Notice of Intent to Export, Destroy or Return Merchandise for Purposes of Drawback

Estimated Number of Respondents: 150.

Estimated Number of Responses per Respondent: 20.

Estimated Number of Total Annual Responses: 3,000.

Estimated Time per Response: 33 minutes.

Estimated Total Annual Burden Hours: 1,650.

Dated: September 17, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–22498 Filed 9–19–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–75]

30-Day Notice of Proposed Information Collection: Energy Evaluation of Public Housing Capital Fund (PHCF), Category 4, Option 2 Grantees

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with

the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* October 22, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Colette Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on July 11, 2014.

A. Overview of Information Collection

Title of Information Collection: Energy Evaluation of Public Housing Capital Fund (PHCF), Category 4, Option 2 Grantees.

OMB Approval Number: 2528–New.

Type of Request: New collection.

Form Number: None.

Description of the need for the information and proposed use: The information is being collected to assist in evaluating the short- and long-term performance of the energy retrofits funded by HUD through the American Recovery and Reinvestment Act (ARRA). One component of this overall evaluation project is to evaluate the ARRA PIH Capital Fund Recovery Grants awarded through a competitive process with the purpose of creating energy efficient, green communities (Category 4). In particular, this funding aims to ''substantively increase energy efficiency and environmental performance of public housing properties and thereby reduce energy costs, generate resident and PHA energy consumption savings, reduce Greenhouse Gas emissions attributable to energy consumption and improve indoor air quality to provide a healthy living environment.'' Competitive proposals from eligible PHAs responding to one of two options available were funded under this category: Option 1, Substantial Rehabilitation or New Construction, and Option 2, Moderate Rehabilitation.

Estimated Number of Respondents: 127.

Estimated Number of Responses: 229 (one response per AMP).

Frequency of Response: 1.

Average Hours per Response: 1 (0.5 hrs/utility * 2 utilities/AMP).

Total Estimated Burdens: 229 hrs.

Information collection	Respondents	Number of responses/ Instances of collection	Frequency of response	Responses per annum	Avg time per response (Hr/ AMP)	Annual burden hours	Hourly cost per response	Annual cost
Energy Survey	127	229	1	229	1	229	$31	$7,099
Total	127	.....	.....	.....	.....	229	.....	$7,099

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: September 16, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–22486 Filed 9–19–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–77]

30-Day Notice of Proposed Information Collection: Multifamily Contractor's/ Mortgagor's Cost Breakdowns and Certifications

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* October 22, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Colette Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has

submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 31, 2012.

A. Overview of Information Collection

Title of Information Collection: Multifamily Contractor's/Mortgagor's Cost Breakdowns and Certifications.

OMB Approval Number: 2502–0044.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–92330–A, HUD–92328, HUD–92205–A.

Description of the need for the information and proposed use: Contractors use the form HUD–2328 to establish a schedule of values of construction items on which the monthly advances or mortgage proceeds are based. Contractors use the form HUD–92330–A to convey actual construction costs in a standardized format of cost certification. In addition to assuring that the mortgage proceeds have not been used for purposes other than construction costs, HUD–92330–A further protects the interest of the Department by directly monitoring the accuracy of the itemized trades on form HUD–2328. This form also serves as project data to keep Field Office cost data banks and cost estimates current and accurate. HUD–92205A is used to certify the actual costs of acquisition or refinancing of projects insured under Section 223(f) program.

Respondents Business or other for profit. Not for profit institutions.

Estimated Number of Respondents: 2,272.

Estimated Number of Responses: 4,761.

Frequency of Response: 1.

Average Hours per Response: 19.

Total Estimated Burdens: 37,003.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: September 17, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–22485 Filed 9–19–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–76]

30-Day Notice of Proposed Information Collection: Multifamily Housing Mortgage and Housing Assistance Restructuring Program (Mark to Market)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* October 22, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *ColettePollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on July 11, 2014.

A. Overview of Information Collection

Title of Information Collection: Multifamily Housing Mortgage and Housing Assistance Restructuring Program (Mark to Market).

OMB Approval Number: 2502–0533.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–9624, HUD–9625, OPG 2.1, OPG 2.2, OPG 2.7, OPG 2.9, OPG 2.15, OPG 2.16, OPG 2.17, OPG 3.1, OPG 3.2, OPG 3.3, OPG 3.4, OPG 3.5, OPG 3.7, OPG 3.8, OPG 4.1, OPG 4.2, OPG 4.3, OPG 4.4, OPG 4.5, OPG 4.6, OPG 4.7, OPG 4.8, OPG 4.10, OPG 4.11, OPG 4.12, OPG 5.1, OPG 5.4, OPG 5.5, OPG 6.2, OPG 6.5, OPG 6.8, OPG 6.9, OPG 7.1, OPG 7.2, OPG 7.3, OPG 7.3TPA, OPG 7.5, OPG 7.6, OPG 7.7, OPG 7.8, OPG 7.9, OPG 7.11, OPG 7.12, OPG 7.13, OPG 7.14, OPG 7.16, OPG 7.21, OPG 7.22, OPG 7.23, OPG 7.24, OPG 7.25, OPG 8.1, OPG 9.10, OPG 9.11, OPG 10.2, OPG 10.4a, OPG 10.4b, OPG 10.6a, OPG 10.8, OPG Appendix M, Attachment 1, OPG Appendix M Attachment 2, OPG 11.1.

Description of the need for the information and proposed use: The Mark to Market Program is authorized under the Multifamily Assisted Housing Reform and Affordability Act of 1997 as extended by the Market to Market Extension Act of 2001. The information collection is required and will be used to determine the eligibility of FHA insured multifamily properties for participation in the Mark to Market program and the terms on which such participation should occur as well as to process eligible properties from acceptance into the program through closing of the mortgage restructure in accordance with program guidelines. The result of participation in the program is the refinancing and restructure of the property's FHA insured mortgage and, generally the reduction of Section 8 rent payments and establishment of adequately funded accounts to fund required repair and rehabilitation of the property.

Respondents: Contractors and tenants.

Estimated Number of Respondents: 126.

Estimated Number of Responses: 1922.

Frequency of Response: On occasion.

Average Hours per Response: 1.26.

Total Estimated Burdens: 2412.3.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: September 17, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–22484 Filed 9–19–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

[RR04000000, 144R0680R1, RR.17549897.2014001.02]

Draft Environmental Assessment of the Proposed Olmsted Hydroelectric Power Plant Replacement Project

AGENCY: Office of the Assistant Secretary—Water and Science Central Utah Project Completion Act Office, Interior.

ACTION: Notice of availability.

SUMMARY: The Department of the Interior and the Central Utah Water Conservancy District, as joint leads, are evaluating the impacts of a proposed replacement of the Olmsted Hydroelectric Power Plant, and have prepared an associated Draft Environmental Assessment for public review.

DATES: Submit written comments on the Draft Environmental Assessment by October 22, 2014.

ADDRESSES: Send written comments on the Draft Environmental Assessment to Mr. Chris Elison, 355 W. University Parkway, Orem, UT 84058–7303; by email to *chrise@cuwcd.com;* or by facsimile to 801–226–7150.

Copies of the Draft Environmental Assessment are available for inspection at:

- Central Utah Water Conservancy District, 355 West University Parkway, Orem, Utah 84058–7303
- Department of the Interior, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606

In addition, the document is available at *www.cuwcd.com, www.cupcao.gov,* or *www.cuwcd.com/olmsted/index.html.*

FOR FURTHER INFORMATION CONTACT: Mr. W. Russ Findlay, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606; by calling 801–379–1084; or email at *wfindlay@usbr.gov.*

SUPPLEMENTARY INFORMATION: The Department of the Interior, and Central Utah Water Conservancy District are publishing this notice pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended. The Draft Environmental Assessment presents analysis of the anticipated environmental effects of a proposed replacement of the Olmsted Hydroelectric Power Plant. The Proposed Action in the Draft Environmental Assessment includes: Constructing a new powerhouse, replacing the penstocks, modifying existing operations to utilize the 10 million gallon Olmsted Flow Equalization Reservoir, marketing the power generated, constructing operation and maintenance facilities, and improving access to the site.

We are requesting public comment on the Draft Environmental Assessment. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time.

While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 26, 2014.

Reed R. Murray,

Program Director, Central Utah Project Completion Act, Department of the Interior.

[FR Doc. 2014–21768 Filed 9–19–14; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2014–0005; OMB Control Number 1014–0015; 14XE1700DX EEEE500000 EX1SF0000.DAQ000]

Information Collection Activities: Unitization; Submitted for Office of Management and Budget (OMB) Review; Comment Request

ACTION: 30-day Notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), BSEE is notifying the public that we have submitted to OMB an information collection request (ICR) for review approval of the paperwork requirements in the regulations under Subpart M, *Unitization.* This notice also provides the public a second opportunity to comment on the revised paperwork burden of these regulatory requirements.

DATES: You must submit comments by October 22, 2014.

ADDRESSES: Submit comments by either fax (202) 395–5806 or email (*OIRA_Submission@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1014–0015). Please provide a copy of your comments to BSEE by any of the means below.

- Electronically go to *http://www.regulations.gov.* In the Search box, enter BSEE–2014–0005 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.
- Email *nicole.mason@bsee.gov,* fax (703) 787–1546, or mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Nicole Mason; 381 Elden Street, HE3313; Herndon, Virginia 20170–4817. Please reference ICR 1014–0015 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Nicole Mason, Regulations and Standards Branch, (703) 787–1605, to request additional information about this ICR. To see a copy of the entire ICR submitted to OMB, go to *http://www.reginfo.gov* (select Information Collection Review, Currently Under Review).

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart M, *Unitization.*

OMB Control Number: 1014–0015.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Section 1334(a) specifies that the Secretary ''provide for the prevention of waste and conservation of the natural resources of the [O]uter Continental Shelf, and the protection of correlative rights therein'' and include provisions for ''unitization, pooling, and drilling agreements.''

In addition to the general rulemaking authority of the OCS Lands Act at 43 U.S.C. 1334, section 301(a) of the Federal Oil and Gas Royalty Management Act (FOGRMA), 30 U.S.C. 1751(a), grants authority to the Secretary to prescribe such rules and regulations as are reasonably necessary to carry out FOGRMA's provisions. While the majority of FOGRMA is directed to royalty collection and enforcement, some provisions apply to offshore operations. For example, section 108 of FOGRMA, 30 U.S.C. 1718, grants the Secretary broad authority to inspect lease sites for the purpose of determining whether there is compliance with the mineral leasing laws. Section 109(c)(2) and (d)(1), 30 U.S.C. 1719(c)(2) and (d)(1), impose substantial civil penalties for failure to permit lawful inspections and for knowing or willful preparation or submission of false, inaccurate, or misleading reports, records, or other information. Because the Secretary has delegated some of the authority under FOGRMA to BSEE, 30 U.S.C. 1751 is included as additional authority for these requirements.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996), and the Office of Management and Budget (OMB) Circular A–25, authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's (DOI's) implementing policy, BSEE is required to charge fees for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large. Voluntary or revised unitization requests are required in Subpart M and are subject to cost recovery; BSEE regulations specify service fees for these requests.

These authorities and responsibilities are among those delegated to BSEE. The regulations at 30 CFR 250, Subpart M, concern the regulatory requirements relating to unitization on the OCS and are the subject of this collection.

Responses are voluntary, mandatory, and are required to obtain or retain benefits. No questions of a sensitive nature are asked. The BSEE protects information considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and DOI's regulations (43 CFR 2), and under regulations at 30 CFR part 250.197, *Data and information to be made available to the public or for limited inspection,* 30 CFR part 252, *OCS Oil and Gas Information Program.*

The BSEE must approve any lessee's proposal to enter an agreement to unitize operations under two or more leases and for modifications when warranted. We use the information to ensure that operations under the proposed unit agreement will result in preventing waste, conserving natural resources, and protecting correlative rights including the government's interests.

Frequency: Generally on occasion.

Description of Respondents: Potential respondents comprise Federal OCS oil, gas, and sulphur lessees and/or operators, and holders of pipeline rights-of-way.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 5,772 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BURDEN BREAKDOWN

Citation 30 CFR 250 Subpart M	Recordkeeping and reporting requirement	Hour burden	Average number annual responses	Annual burden hours
		Non-hour cost burdens *		
	Requests			
1301	Description of requirements	Burden included in the following sections		0
1301(d), (f)(3), (g)(1), (g)(2)(ii).	Request suspension of production or operations.	Burden covered under Subpart A [1014–0022]		0
1302(b)	Request preliminary determination on competitive reservoir.	116	1 request	116
1304(b)	Request compulsory unitization, including submitting unit agreement, unit operating agreement, initial plan of operation, obtain approval of Regional Supervisor if required, and supporting data; serving non-consenting lessees with documents.	234	1 request	234
1304(d)	Request hearing on required unitization	1	1 request	1
Subtotal			3 responses	351
	Submittals			
1302(b)	Submit concurrence or objection on competitiveness with supporting evidence.	47	1 request	47

BURDEN BREAKDOWN—Continued

Citation 30 CFR 250 Subpart M	Recordkeeping and reporting requirement	Hour burden	Average number annual responses	Annual burden hours
1302(c), (d)	Submit joint plan of operations, supplemental plans, or a separate plan if agreement cannot be reached.	68	1 plan	68
1303; 1304	* Submit revisions or modifications to unit agreement, unit operating agreement, plan of operation, change of unit operator, etc.	15	41 revs/mods	615
		$896 fees × 41 revisions/modifications = $36,736.		
1303; 1304	* Submit initial, and revisions to, participating area.	76	9 submissions	684
1304(d)	Submit statement at hearing on compulsory unitization.	5	1 statement	5
1304(e)	Pay for and submit three copies of verbatim transcript of hearing.	1	1 submission	1
		Court reporter and 3 transcript copies for 1 hearing = $500.		
Subtotal			54 responses	1,420
			$37,236 non-hour cost burdens.	
General				
1303	Apply for voluntary unitization, including submitting unit agreement, unit operating agreement, initial plan of operation, obtain approval of Regional Supervisor if required, and supporting data; request for variance from model agreement and other related requirements.	500	8 apps/plans	4,000
		$12,619 fee × 8 applications/plans = $100,952.		
1304(f)	Appeal final order of compulsory unitization ..	Exempt as defined in 5 CFR 1320.4(a)(2), (c)		0
1300–1304	General departure and alternative compliance requests not specifically covered elsewhere in subpart M regulations.	1	1 requests	1
Subtotal			9 responses	4,001
			$100,952 non-hour cost burdens.	
Total Burden			66 Responses	5,772
			$138,188 Non-Hour Cost Burdens.	

* These requirements are specified in each Unit Agreement.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified three non-hour cost burdens associated with this information collection. Section 250.1303 requires respondents to pay filing fees when (1) applying for a voluntary unitization proposal or unit expansion ($12,619), as well as a (2) unitization revision ($896). The filing fees are required to recover the Federal Government's processing costs. Section 250.1304(d) provides an opportunity for parties notified of compulsory unitization to request a hearing; therefore § 250.1304(e) requires the party seeking the compulsory unitization to (3) pay for the court reporter and three copies of the verbatim transcript of the hearing (approximately $500).

It should be noted there have been no such hearings in the recent past, and none are expected in the near future. We have not identified any other non-hour cost burdens associated with this collection of information. We estimate a total reporting non-hour cost burden of $138,188. Refer to the chart in Section A.12 of this supporting statement for the specific breakdown.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.,)* provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.,*) requires each agency ''. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .'' Agencies must specifically solicit comments to: (a) Evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the

respondents, including the use of technology.

To comply with the public consultation process, on May 19, 2014, we published a **Federal Register** notice (79 FR 28758) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB Control Number for the information collection requirements imposed by the 30 CFR 250, Subpart M regulations. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We received no comments in response to the **Federal Register** notice.

Public Availability of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Information Collection Clearance Officer: Cheryl Blundon, 703–787–1607.

Dated: September 4, 2014.

Robert W. Middleton,

Deputy Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2014–22411 Filed 9–19–14; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R9–ES–2011–0099; FF09E40000 145 FXES11150900000]

RIN 1018–AY29

Policy Regarding Voluntary Prelisting Conservation Actions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Announcement of draft policy; extension of comment period.

SUMMARY: On July 22, 2014, we, the U.S. Fish and Wildlife Service, announced a draft policy on crediting voluntary conservation actions taken for species prior to their listing under the Endangered Species Act. The proposed policy seeks to give landowners, government agencies, and others incentives to carry out voluntary conservation actions for nonlisted species by allowing the benefits to the species from a voluntary conservation action undertaken prior to listing under the Act to be used—either by the person who undertook such action or by a third party—to mitigate or to serve as a compensatory measure for the detrimental effects of another action undertaken after listing. This draft policy, if adopted, would help us further our efforts to protect native species and conserve the ecosystems on which they depend.

We announce the extension of the comment period for our July 22, 2014, proposed policy to ensure the public has sufficient time to comment on the proposed policy.

DATES: We will accept comments from all interested parties until November 6, 2014. Please note that if you are using the Federal eRulemaking Portal (see **ADDRESSES** below), the deadline for submitting an electronic comment is 11:59 p.m. Eastern Standard Time on this date.

ADDRESSES: You may submit comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* In the Search box enter the Docket number for the proposed policy, which is FWS–R9–ES–2011–0099. You may enter a comment by clicking on ''Comment Now!''. Please ensure that you have found the correct document before submitting your comment.
- *U.S. mail or hand delivery:* Public Comments Processing, Attn: Docket No. FWS–R9–ES–2011–0099; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; MS: PDM, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Public Comments below for more information).

FOR FURTHER INFORMATION CONTACT: Jim Serfis, Chief, Branch of Communications and Candidate Conservation, U.S. Fish and Wildlife Service Headquarters, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803, telephone 703/358–2171.

SUPPLEMENTARY INFORMATION:

Background

On July 22, 2014 (79 FR 42525), we published a draft policy on crediting voluntary conservation actions taken for species prior to their listing under the Endangered Species Act and requested comments, information, and suggestions from the public. See that document for specific questions we asked and for more detailed information.

We have received a request for an extension of the comment period from the Association of Fish & Wildlife Agencies so that State fish and wildlife agencies could have adequate time to submit comments in response to the proposal. To accommodate this request, we extend the comment period for an additional 45 days.

Public Comments

If you previously submitted comments or information on the proposed policy, please do not resubmit them. We have incorporated them into the public record, and we will fully consider them in our final policy. Our final policy will take into consideration all written comments and any additional information we receive.

We intend that a final policy will consider information and recommendations from all interested parties. We, therefore, solicit comments, information, and recommendations from governmental agencies, Indian Tribes, the scientific community, industry groups, environmental interest groups, and any other interested parties. All comments and materials received by the date listed above in **DATES** will be considered prior to the approval of a final document.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 16, 2014.

Stephen Guertin,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2014–22493 Filed 9–19–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAZ931000.L13400000.PQ0000. LXSS016A000; AZA35722]

Notice of Proposed Withdrawal and Opportunity for Public Meeting, Agua Caliente Solar Energy Zone, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Assistant Secretary of the Interior for Land and Minerals Management on behalf of the Bureau of Land Management (BLM) proposes to withdraw approximately 2,560 acres of public lands in Yuma County, Arizona, from location or entry under the United States mining laws, to protect and preserve for a 20-year period, the Agua Caliente Solar Energy Zone (SEZ). The lands will remain open to leasing under the mineral and geothermal leasing laws, and disposal under the Materials Act of 1947.

DATES: The BLM must receive comments and requests for a public meeting by December 22, 2014.

ADDRESSES: Comments and meeting requests should be sent to Lane Cowger, BLM Project Manager, One North Central Avenue, Suite 800, Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT: Lane Cowger at 602–417–9612 or email *lcowger@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1 800–877–8339 to contact the above individual. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question for the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The applicant is the BLM at the address above, and its application requests the Assistant Secretary of the Interior for Land and Minerals Management withdraw, subject to valid existing rights, approximately 2,560 acres of public lands in Yuma County, Arizona, from location or entry under the United States mining laws, but not from leasing under the mineral or geothermal leasing laws, or disposal under the Materials Act of 1947. The lands are described as follows:

Gila and Salt River Meridian

T. 5 S., R. 12 W.,
Sec. 15, S½NE¼NE¼, S½NW¼NE¼, S½NE¼, S½NE¼NW¼, S½NW¼NW¼, and SE¼;
Sec. 17, SE¼NE¼ and SE¼;
Sec. 20, NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 22, E½NE¼ and E½SE¼;
Sec. 23, W½;
Sec. 26, N½NE¼NW¼ and NW¼NW¼;
Sec. 28, W½NE¼, W½, and W½SE¼;
Sec. 29, NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 33, NW¼NW¼NE¼, N½NW¼, and NW¼SW¼NW¼.

The areas described aggregate approximately 2,560 acres, more or less, in Yuma County.

The Assistant Secretary of the Interior for Land and Minerals Management approved the BLM's application; therefore, the application constitutes a withdrawal proposal of the Secretary of the Interior (43 CFR 2310.1–3(e)).

The purpose of the proposed withdrawal is to protect and preserve the Agua Caliente SEZ for a 20-year period in anticipation that it will be available for solar energy development.

The use of a right-of-way, interagency or cooperative agreement, or discretionary surface management by the BLM under 43 CFR 3715 or 43 CFR 3809 regulations will not adequately constrain nondiscretionary uses, which could result in loss of adequate protection and preservation of the subject lands for future solar energy development. There are no suitable alternative sites for the withdrawal.

No water rights would be needed to fulfill the purpose of the requested withdrawal.

Records relating to the application for the proposed withdrawal may be examined by contacting Lane Cowger at the above address.

The application for the proposed withdrawal will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period until December 22, 2014, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the BLM at the address noted above.

If a public meeting is requested in connection with the proposed withdrawal, information about the date, time, and location of the meeting will be provided to news outlets in Arizona at least 30 days prior to the meeting. At the meeting, the public would have an opportunity to provide oral and written comments.

All comments received will be considered before any recommendation concerning the proposed withdrawal is submitted to the Secretary of the Interior for final action.

For a period until September 21, 2016, the public lands described in this notice will be segregated from location or entry under the United States mining laws, but not from leasing under the mineral or geothermal leasing laws, or disposal under the Materials Act of 1947, unless the application is denied or canceled or the withdrawal is approved prior to that date.

Comments including names and street addresses of respondents will be available for public review at the BLM Arizona State Office at the address noted above, during regular business hours 9 a.m. to 4 p.m., Monday through Friday, except Federal holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 2310.3–1.

Julie A. Decker,

Deputy State Director, Resources.

[FR Doc. 2014–22407 Filed 9–19–14; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0003; DS63610000 DR2PS0000.CH7000 145DO102R2]

Assessments for Mismatched Payments or Inadequate Payment Information for Geothermal, Solid Minerals, and Indian Oil and Gas Leases

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: Notice.

SUMMARY: Regulations for geothermal, solid minerals, and Indian oil and gas leases authorize the Office of Natural Resources Revenue (ONRR) to assess payors for failure to submit payments of the same amount as the royalty or bill document or to provide adequate information. The amount assessed for each mismatched or inadequately identified payment will be $243.00, effective on the date below.

DATES: *Effective Date:* October 22, 2014.

FOR FURTHER INFORMATION CONTACT: Paul Knueven, Financial Management (FM), ONRR; telephone (303) 231–3316; email *paul.knueven@onrr.gov;* or Joseph Muniz, FM, ONRR, telephone (303) 231–3103; email *joseph.muniz@*

onrr.gov. FAX: (303) 231–3216. Mailing address: Department of The Interior, Office of Natural Resources Revenue, P.O. Box 25165, MS 61211B, Denver, Colorado 80225–0165.

SUPPLEMENTARY INFORMATION: On March 26, 2008, ONRR published a final rule titled ''Reporting Amendments'' (73 FR 15885), with an effective date of April 25, 2008. This rule revised 30 CFR 1218.41 to comply with the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996. The regulations authorize ONRR to assess payors for failure to submit payments of the same amount as the royalty or bill document, or to provide adequate information. Section 1218.41(f) requires ONRR to publish the assessment amount and the effective date in the **Federal Register**.

ONRR bases the amount of the assessment on ONRR's cost experience with improper payment and identification. ONRR increased the assessment due to Federal employee pay raises and minor adjustments in correction time. The assessment allows ONRR to recover the associated costs and provides industry with incentives to improve the efficiency of payment processing.

Dated: September 8, 2014.

Gregory J. Gould,

Director for Office of Natural Resources Revenue.

[FR Doc. 2014–22451 Filed 9–19–14; 8:45 am]

BILLING CODE 4310–T2–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On September 16, 2014, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Michigan in the lawsuit entitled *United States* v. *Consumers Energy Company.,* Civil Case. No. 14–13580 (E.D. Mich.).

In this civil enforcement action under the federal Clean Air Act (''Act''), the United States alleges that Consumers Energy Co. (''Defendant''), failed to comply with certain requirements of the Act intended to protect air quality at five Michigan power plants: The J.H. Campbell Plant in West Olive, Michigan; the B.C. Cobb Plant in Muskegon, Michigan; the D.E. Karn Plant in Essexville, Michigan; and the J.C. Weadock Plant in Essexville, Michigan. The complaint seeks injunctive relief and civil penalties for violations of the Act's Prevention of Significant Deterioration (''PSD'') provisions, 42 U.S.C. 7470–92, the Act's Title V permit provisions (''Title V''), 42 U.S.C. 7661a–76661f, and certain visible air pollutant (''opacity'') and particulate matter (''PM'') limitations contained in Defendant's Title V permits and as set forth in various implementing regulations. The complaint alleges that Defendant failed to obtain appropriate permits and failed to install and operate required pollution control devices to reduce emissions of sulfur dioxide (''SO_2'') and/or nitrogen oxides (''NO_X'') at the Campbell, Cobb, Karn, and Weadock plants, and that Defendant has operated certain units at the plants while exceeding opacity and PM limitations.

The proposed Consent Decree would resolve violations for certain provisions of the Act at the Campbell, Cobb, Karn, and Weadock plants, as well as the Whiting Plant in Luna Pier, Michigan, through December 31, 2017, and would require the Defendant to reduce harmful SO_2, NO_X, and PM emissions, at the five power plants. The emission reductions would be achieved through emission control requirements and limitations specified by the proposed consent decree, including installation and operation of pollution controls; retirement or refueling of certain generating units; and annual emission caps at the power plants. The Defendant will also spend $7.7 million to fund environmental mitigation projects that will further reduce emissions and benefit communities adversely affected by the pollution from the five plants, and pay a civil penalty of $2.75 million.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Consumers Energy Company.,* Civil Case. No. 14–13580 (E.D. Mich.), D.J. Ref. No. 90–5–2–1–09771. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email ...	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* The Justice Department will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library,
U.S. DOJ—ENRD,
P.O. Box 7611,
Washington, DC 20044–7611.

Please enclose a check or money order for $28.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–22435 Filed 9–19–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[Docket No. FBI 153]

FBI National Name Check Program; New User Fee Schedule

AGENCY: Federal Bureau of Investigation (FBI), Justice.

ACTION: Notice.

SUMMARY: This notice establishes a new user fee schedule for federal agencies requesting name-based background checks of the FBI's Central Records System through the National Name Check Program for noncriminal justice purposes. The total resource costs associated with providing these name check services have been calculated to ensure full reimbursement to the FBI.

DATES: This fee schedule is effective October 15, 2014.

FOR FURTHER INFORMATION CONTACT: FBI, RMD. National Name Check Program Section, 170 Marcel Drive, Winchester, Virginia 27602, Attention: Edward W. Reinhold, (540) 868–4400.

SUPPLEMENTARY INFORMATION: Pursuant to the authority in Public Law 101–515 as amended, the FBI has established user fees for federal agencies requesting noncriminal name-based background checks of the Central Records System (CRS) through the National Name Check Program (NNCP) of the Records Management Division (RMD). The regulations governing the revision of these user fees are set out at 28 CFR 20.31(e) and (f). In accordance with 28 CFR 20.31(e), the FBI is required to periodically review the amount of the fees it collects for the NNCP to determine the current cost of processing name checks for noncriminal justice

purposes and publish any resulting fee adjustments in the **Federal Register**. Accordingly, the FBI conducted a fee study using FY 2012 cost information applied to the FY 2014 name check projections to assess the current cost to the FBI of processing name checks. The methodology for this new fee study is the same as the FBI has used previously, employing the Activity Based Cost (ABC) accounting method detailed in the Final Rule establishing the process for setting fees (75 FR 24796 (May 6, 2010)). The ABC methodology is consistent with widely accepted accounting principles in addition to the provisions of 31 9701 and other applicable federal law. The fee study identified all direct and indirect costs associated with the name-based background checks incurred by the FBI in fiscal year 2012.

These costs were analyzed by the ABC model to project the total reimbursable costs, by fee category, for fiscal year 2014. The fee study recommended several adjustments to the current user fees, which have been in effect since March 4, 2011. The following table details the fee amounts for federal agencies requesting name-based background checks of the FBI's CRS through the NNCP for noncriminal justice purposes.

Service	Fee currently in effect	Change in fee amount	Revised fee
Electronic Submission:			
Batch Process Only	$2.00	$0.50	$2.50
Batch + File Review	38.50	3.50	42.00
Manual Submission	50.75	15.75	66.50
Expedited Submission	50.75	15.75	66.50

The higher Batch Fee is based on the increase of certain direct costs, such as those related to information technology acquisition. Manual and Expedited Fees, which only accounted for .027% of all reimbursable submissions in FY 2013, increased due to fixed costs remaining constant while submissions decreased.

This new fee schedule will become effective on October 15, 2014.

Janies B. Comey, Jr.,

Director, Federal Bureau of Investigation.

[FR Doc. 2014–21674 Filed 9–19–14; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Alien Claims Activity Report

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, ''Alien Claims Activity Report,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before October 22, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201404-1205-005* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Alien Claims Activity Report information collection that utilizes Reporting Form ETA–9016. The information collection allows the ETA to determine the number of aliens filing for unemployment insurance, the number of benefit issues detected, and the denials resulting from the U.S. Citizenship and Immigration Services (USCIS) Systematic Alien Verification for Entitlement (SAVE) Program. From these data, the ETA can determine the extent to which State agencies use the system and the overall effectiveness and cost efficiency of the USCIS SAVE verification system. Social Security Act section 303(a)(6) authorizes this information collection. *See* 42 U.S.C. 503(a)(6).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0268.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on September 30, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For

additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 20, 2014 (79 FR 15612).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0268. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Alien Claims Activity Report.

OMB Control Number: 1205–0268.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 212.

Total Estimated Annual Time Burden: 212 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: September 15, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–22404 Filed 9–19–14; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Employment and Training Administration Disaster Unemployment Assistance Handbook

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Employment and Training Administration Disaster Unemployment Assistance Handbook,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before October 22, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201404-1205-004* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Employment and Training Administration Disaster Unemployment Assistance Handbook, which includes Reporting Form ETA–902. Robert T. Stafford Disaster Relief and Emergency Assistance Act sections 410 and 423 provide for assistance to eligible individuals who are unemployed due to a major disaster. State Workforce Agencies through individual agreements with the Secretary of Labor, act as agents of the Federal government in providing Disaster Unemployment Assistance (DUA) to eligible applicants who are unemployed as a direct result of a major disaster. Form ETA–902 is a monthly report submitted by a State on DUA program activities once the President declares a disaster. Form ETA–902 is prescribed pursuant to regulations 20 CFR 625.8 and 625.9 and is necessary for oversight of the DUA program. This information collection has been classified as a revision, because Form 902–A has been discontinued. Form 902–A was designed specifically for the Gulf Coast Oil Spill. The time has passed for submitting Form 902–A; consequently, its continuance no longer has practical utility. Social Security Act section 303(a)(6) authorizes this information collection. *See* 42 U.S.C. 503(a)(6).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0051. The current approval is scheduled to expire on September 30, 2014; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice

published in the **Federal Register** on March 20, 2014 (79 FR 15614).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0051. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Employment and Training Administration Disaster Unemployment Assistance Handbook.

OMB Control Number: 1205–0051.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 30.

Total Estimated Number of Responses: 210.

Total Estimated Annual Time Burden: 210 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: September 12, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–22405 Filed 9–19–14; 8:45 am]

BILLING CODE 4510–FW–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 14–096]

NASA Advisory Council; Science Committee; Earth Science Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: This is an amended version of NASA's earlier **Federal Register** Notice (14–094) previously published on September 15, 2014 (page 55016). In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Earth Science Subcommittee (ESS) of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Friday, October 10, 2014, 12:00 p.m.–2:30 p.m., Local Time.

FOR FURTHER INFORMATION CONTACT: Ms. Ann Delo, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–0750, fax (202) 358–3092, or *ann.b.delo@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public telephonically. Any interested person may call the USA toll free conference call number 800–988–9663, passcode 8015, to participate in this meeting by telephone. The agenda for the meeting includes the following topic:

—Earth Science Division Research Performance for Fiscal Year 2014.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2014–22458 Filed 9–19–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L.92–463, as amended), the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Engineering (1173).

Dates/Time: October 16, 2014, 10:00 a.m.–3:30 p.m.

Place: National Science Foundation (NSF), 4201 Wilson Boulevard, Room 1235, Arlington, VA 22230.

To help facilitate your entry into the building, please contact Victoria Fung (*vfung@nsf.gov*) on or prior to Oct 15, 2014.

Type of Meeting: Open.

Contact Person: Dr. Bernice T. Anderson, Senior Advisor and CEOSE Executive Secretary, Office of International and Integrative Activities, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230; (703) 292–5151 (direct), (703) 292–8040 (main); Email Address: *banderso@nsf.gov*.

Minutes: Meeting minutes and other information may be obtained from the Senior Advisor and CEOSE Designated Federal Officer at the above address or the Web site at *http://www.nsf.gov/od/iia/activities/ceose/index.jsp*.

Purpose of Meeting: To study data, programs, policies, and other information pertinent to the National Science Foundation and to provide advice and recommendations concerning broadening participation in science and engineering.

Agenda:

Thursday, October 16, 2014

Opening Statement by the CEOSE Chair

Presentations and Discussions

- Update of Broadening Participation Activities by the CEOSE Executive Liaison
- Presentation of Pathways to Broadening Participation in Response to the CEOSE 2011–2012 Recommendation
- Discussion of the 2013–2014 Biennial CEOSE Report
- Discussion with Dr. France Cordova, Director of the National Science Foundation
- Reports of CEOSE Liaisons to NSF Advisory Committees
- Discussion by Federal Agency Liaisons About Interagency Broadening Participation Activities
- Discussion on CEOSE Unfinished Business and New Business Note: CEOSE AC members will participate virtually.

Dated: September 8, 2014.

Crystal Robinson,

Acting, Committee Management Officer.

[FR Doc. 2014–21703 Filed 9–19–14; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science

Foundation announces the following meeting:

Name: Review of the Partnership for Research and Education in Materials (PREM) at Howard University, Washington, DC (#1203) 1205608—Site Visit.

Dates & Times: October 20, 2014; 7:45 a.m.–9:00 p.m. October 21, 2014; 8:00 a.m.–3:30 p.m.

Place: Howard University, Washington, DC.

Type of Meeting: Part-open.

Contact Person: Dr. Charles Bouldin, Program Director, Partnerships for Research and Education in Materials Program, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4914.

Purpose of Meeting: NSF site visit to provide advice and recommendations concerning further support of the PREM at Howard University, Washington, DC.

Agenda:

October 20, 2014

7:45 a.m.–9:00 a.m. Closed—Executive Session

9:00 a.m.–4:00 p.m. Open—Review of the Howard PREM

4:00 p.m.–6:00 p.m. Closed—Executive Session

6:00 p.m.–9:00 p.m. Open—Poster Session and Dinner

October 21, 2014

8:00 a.m.–9:00 a.m. Closed—Executive Session

9:00 a.m.–10:00 a.m. Open—Review of the Howard PREM

10:00 a.m.–3:30 p.m. Closed—Executive Session, Draft and Review Report

Reason for Closing: The work being reviewed during the site visit may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 16, 2014.

Crystal Robinson,

Acting, Committee Management Officer.

[FR Doc. 2014–22471 Filed 9–19–14; 8:45 am]

BILLING CODE 7555–01–M

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meeting; Regular Board of Directors Meeting

TIME AND DATE: 2:00 p.m., Monday, September 29, 2014.

PLACE: NeighborWorks America—Gramlich Boardroom, 999 North Capitol Street NE., Washington, DC 20002.

STATUS: Open (with the exception of Executive Session).

CONTACT PERSON: Jeffrey Bryson, General Counsel/Secretary (202) 760–4101; *jbryson@nw.org.*

AGENDA:

I. CALL TO ORDER
II. Executive Session: CEO Search Committee Update
III. Executive Session: Executive Compensation Study
IV. Executive Session: Transition Update
V. Approval of Minutes
VI. Corporate Administration Committee—Board Assessment Update
VII. FY15 Preliminary Corporate & Capital Budget Approval
VIII. Board Policy on Settlements Amendment
IX. FY15 LIFT Continuation
X. Committee Assignments
XI. Board Update—Network Board Governance
XII. Settlements
XIII. MHA Wind Down
XIV. Management Updates
XV. Adjournment

Jeffrey T. Bryson,

EVP & General Counsel/Corporate Secretary.

[FR Doc. 2014–22535 Filed 9–18–14; 11:15 am]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293; NRC–2014–0202]

Entergy Nuclear Operations, Inc.; Pilgrim Nuclear Power Station

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR–35, issued to Entergy Nuclear Operations, Inc., for operation of the Pilgrim Nuclear Power Station. The proposed amendment would revise Technical Specification (TS) 4.3.4.b to reflect the removal of the energy absorbing pad from the spent fuel pool and the installation of a leveling platform.

DATES: Submit comments by October 22, 2014. Requests for a hearing or petition for leave to intervene must be filed by November 21, 2014.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0202. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Nadiyah S. Morgan, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1016, email: *Nadiyah.Morgan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information.

Please refer to Docket ID NRC–2014–0202 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0202.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The Proposed License Amendment Request to Modify Technical Specification 4.3.4,

''Heavy Loads'' to Facilitate Dry Storage Handling Operations dated November 26, 2013, and supplements dated July 11, 2014, and September 11, 2014, are available in ADAMS under Accession Nos. ML13346A026, ML14237A328, and ML14258A179, respectively.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments.

Please include Docket ID NRC–2014–0202 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Facility Operating License No. DPR–35, issued to Entergy Nuclear Operations, Inc., for operation of the Pilgrim Nuclear Power Station, located in Plymouth County, Massachusetts.

The proposed amendment would revise TS 4.3.4.b to reflect the removal of the energy absorbing pad and installation of a leveling platform.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The Reactor Building crane is being upgraded to meet the applicable single-failure-proof criteria of NUREG–0554 and NUREG–0612 for the modification of the existing non single-failure-proof crane.

The proposed change does not affect the consequences of any accidents previously evaluated in the PNPS [Pilgrim Nuclear Power Station] UFSAR [Updated Final Safety Analysis Report]. The proposed change replaces the energy absorbing pad point of reference with a leveling platform point of reference. In addition, the requirement is being clarified to apply only when cask handling operations are in progress in the spent fuel pool or a cask is in the spent fuel pool. The requirement to limit placement of spent fuel that has decayed for less than 200 days in racks within an arc described by the height of the cask around the periphery of the point of reference is being maintained. Under these circumstances, no new load drop accidents are postulated and no changes to the probabilities or consequences of accidents previously evaluated are involved.

The single-failure proof handling system used for handling operations precludes the need to postulate a transfer cask load drop.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Section 10.3 of the PNPS UFSAR evaluates fuel storage and cask handling operations. Consequences of a dropped fuel cask are described in Section 10.3.6. The proposed change replaces the energy absorbing pad point of reference with a leveling platform point of reference. Under these circumstances, no new or different load drop accidents are postulated to occur and there are no changes in any of the load drop accidents previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The revised Technical Specification change does not involve a reduction in any margin of safety. The proposed change replaces the energy absorbing pad point of reference with a leveling platform point of reference. In addition, the requirement is being clarified to apply only when cask handling operations are in progress in the spent fuel pool. The requirement to limit placement of spent fuel that has decayed for less than 200 days in racks within an arc described by the height of the cask around the periphery of the point of reference is being maintained. Due to the reliability of the upgraded handling system that complies with the guidance of NUREG–0800 Section 9.1.5 for a single-failure-proof handling system, a load drop accident with a transfer cask is not considered a credible event. Under these circumstances, no new load drop accidents are postulated and no reductions in margins of safety are involved.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a No Significant Hazards Consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request

for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the license amendment request. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Hearing requests or petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic

Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated November 26, 2013 (ADAMS Accession No. ML13346A026), as supplemented on July 11, 2014 (ADAMS Accession No. ML14237A328) and September 11, 2014 (ADAMS Accession No. ML14258A179).

Attorney for licensee: Ms. Jeanne Cho, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Benjamin G. Beasley.

Dated at Rockville, Maryland, this 15th day of September 2014.

For the Nuclear Regulatory Commission.

Douglas V. Pickett,

Senior Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–22526 Filed 9–19–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–9091–MLA; ASLBP No. 12–915–01–MLA–BD01]

Atomic Safety and Licensing Board Panel: Weapons at Atomic Safety and Licensing Board Proceeding; Strata Energy, Inc.

Atomic Safety and Licensing Board Panel

Before the Licensing Board: G. Paul Bollwerk, III, Chairman, Dr. Richard F. Cole, Dr. Craig M. White.

In the Matter of Strata Energy, Inc. (Ross In Situ Recovery Uranium Project).

Notice (Regarding Weapons at Atomic Safety and Licensing Board Proceeding September 16, 2014.

Notice is hereby given that the rules and policies regarding the possession of weapons in United States Courthouses and United States Federal Buildings in the State of Wyoming shall apply to all proceedings conducted in governmental or private facilities in Wyoming by the Atomic Safety and Licensing Board of the U.S. Nuclear Regulatory Commission.

Accordingly, no person other than federal law enforcement personnel or law enforcement personnel from the Campbell or Crook County Sheriff's Departments, the Gillette or Sundance Police Departments, or any other authorized Wyoming state or local law enforcement organization, while performing official duties, shall wear or otherwise carry a firearm, edged weapon, impact weapon, electronic control device, chemical weapon, ammunition, or other dangerous weapon into the limited appearance session scheduled at the Crook County Courthouse in Sundance, Wyoming, on Sunday, September 28, 2014, or the evidentiary hearing scheduled to begin on Tuesday, September 30, 2014, at the CAM–PLEX Multi-Event Facilities in Gillette, Wyoming.

This notice does not apply to state or local law enforcement officers responding to a call for assistance from within the Crook County Courthouse or the CAM–PLEX Multi-Event Facilities.

For The Atomic Safety and Licensing Board.

Dated: September 16, 2014, Rockville, Maryland.

G. Paul Bollwerk, III,

Chairman, Administrative Judge.

[FR Doc. 2014–22504 Filed 9–19–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meetings

DATES: Weeks of September 22, 29, October 6, 13, 20, 27, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of September 22, 2014

There are no meetings scheduled for the week of September 22, 2014.

Week of September 29, 2014—Tentative

Thursday, October 2, 2014

10:00 a.m. Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: Ed Hackett, 301–415–7360)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of October 6, 2014—Tentative

Tuesday, October 7, 2014

9:00 a.m. Briefing on the Status of Near-Term Task Force Recommendation 2 for Seismic Hazard Reevaluations (Public Meeting) (Contact: Nicholas DiFrancesco, 301–415–1115)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of October 13, 2014—Tentative

Wednesday, October 15, 2014

11:00 a.m. Discussion of Management and Personnel Issues (Closed—Ex. 2 and 6)

Week of October 20, 2014—Tentative

There are no meetings scheduled for the week of October 20, 2014.

Week of October 27, 2014—Tentative

Wednesday, October 29, 2014

9:00 a.m. Briefing on Security Issues (Closed—Ex. 1)

1:30 p.m. Briefing on Security Issues (Closed—Ex. 1)

Thursday, October 30, 2014

9:00 a.m. Briefing on Watts Bar Unit 2 License Application Review (Public Meeting) (Contact: Justin Poole, 301–415–2048)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Rochelle Bavol at (301) 415–1651 or via email at *Rochelle.Bavol@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Patricia.Jimenez@nrc.gov* or *Brenda.Akstulewicz@nrc.gov.*

September 18, 2014.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2014–22576 Filed 9–18–14; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2014–79; Order No. 2186]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Global Expedited Package Services 3 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 23, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On September 15, 2014, the Postal Service filed notice that it has entered into an additional Global Expedited Package Services 3 (GEPS 3) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2014–79 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than September 23, 2014. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints John P. Klingenberg to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2014–79 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, John P. Klingenberg is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than September 23, 2014.

[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, September 15, 2014 (Notice).

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2014–22437 Filed 9–19–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2014–80; Order No. 2185]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Global Reseller Expedited Package Contracts 4 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 23, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On September 15, 2014, the Postal Service filed notice that it has entered into an additional Global Reseller Expedited Package Contracts 4 (GREP 4) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package Contracts 4 Negotiated Service Agreement, September 15, 2014 (Notice).

II. Notice of Commission Action

The Commission establishes Docket No. CP2014–80 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than September 23, 2014. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints James F. Callow to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2014–80 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than September 23, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2014–22413 Filed 9–19–14; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Wednesday, September 24, 2014 at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Gallagher, as duty officer, voted to consider the items listed for the Closed Meeting in closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting will be:

Institution of injunctive actions;

Settlement of an injunctive action;

Institution settlement of administrative proceedings;

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: September 17, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–22543 Filed 9–18–14; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of AGR Tools, Inc., Arcadia Resources, Inc., Citizens First Bancorp, Inc., First Capital International, Inc., GreenTek Corp., and Metabolic Research, Inc., Order of Suspension of Trading

September 18, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of AGR Tools, Inc. because it has not filed any periodic reports since the period ended March 31, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Arcadia Resources, Inc. because it has not filed any periodic reports since the period ended December 31, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Citizens First Bancorp, Inc. because it has not filed any periodic reports since the period ended June 30, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of First Capital International, Inc. because it has not filed any periodic reports since the period ended March 31, 2010.

It appears to the Securities and Exchange Commission that there is a

lack of current and accurate information concerning the securities of GreenTek Corp. because it has not filed any periodic reports since the period ended March 31, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Metabolic Research, Inc. because it has not filed any periodic reports since the period ended September 30, 2010.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on September 18, 2014, through 11:59 p.m. EDT on October 1, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–22573 Filed 9–18–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Gepco, Ltd.; Order of Suspension of Trading

September 18, 2014

It appears to the Securities and Exchange Commission (''Commission'') that there is a lack of accurate information concerning, and potentially manipulative transactions in, the securities of Gepco, Ltd. (''Gepco''). Gepco is a Nevada corporation with its principal place of business located in Santee, California. Its stock is quoted on OTC Link, operated by OTC Markets Group Inc., under the ticker: GEPC. The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of Gepco.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on September 18, 2014, through 11:59 p.m. EDT on October 1, 2014.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–22567 Filed 9–18–14; 4:15 pm]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before November 21, 2014.

ADDRESSES: Send all comments to Gina Beyer, Program Analyst, Office of Disaster Assistance, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Gina Beyer, Program Analyst, Office of Disaster Assistance, *gina.beyer@sba.gov,* 202–205–6458 or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov;*

SUPPLEMENTARY INFORMATION: The Governor of the State U.S. territory or possession affected by a disaster submits this information collection to request that SBA issue a disaster declaration. The information identifies the time, place and nature of the incident and helps SBA to determine whether the regulatory criteria for a disaster declaration have been met, and disaster assistance can be made available to the affected region.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

(1) *Title:* Governor's Request for Disaster Declaration.

Description of Respondents: Disaster victim's seeking assistance.

Form Number: N/A.

Total Estimated Annual Responses: 28.

Total Estimated Annual Hour Burden: 1,240.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2014–22438 Filed 9–19–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before November 21, 2014.

ADDRESSES: Send all comments to Johnny Kitts, Chief, fund Administration Branch Office of Investment, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Johnny Kitts, Chief, fund Administration Branch, Office of Investment, *johnny.kitts@sba.gov* 202–205–7587, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: Applicants for SBA-guaranteed commitment must complete these forms as part of the application process. SBA uses the information to make informed and proper credit decisions and to establish the SBIC's eligibility for leverage and need for funds.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

(1) *Title:* 25-Model Corp. Resol. Or GP Certif., 33-Model Letter to Selling Agent, 34-Bank ID, 1065-Appl. Lic. Assure. of Compliance, SBA Forms 25PCGP, SBA Form 25 PIGP, SBA Form 33, SBA Form 34, SBA Form 1065.

Description of Respondents: Eligible SBIC's.

Form Number: SBA Forms 25, PC, PCGP, PIGP, 33, 34, 1065.

Total Estimated Annual Responses: 48.

Total Estimated Annual Hour Burden: 42.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2014–22439 Filed 9–19–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before November 21, 2014.

ADDRESSES: Send all comments to Louis Cupp, New Markets Policy Analyst, Office of Investment, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Louis Cupp, New Markets Policy Analyst, Office of Investment, *Louis.cupp@sba.gov 202–619–0511,* or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov*.

SUPPLEMENTARY INFORMATION: SBA uses this information collection for proper oversight within the scope of the Small Business Act to assess NMVC Program participants. Only the six NMVC Companies in the NMVC program will be required to submit the forms in this information collection. Although no new NMVCCs are anticipated, the information collected in the application forms in part of the contractual obligation of each NMVCC, and therefore must be used for any legal or other structural changes.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

(1) *Title:* NMVC Program Application, Funding and Reporting.

Description of Respondents: NMVC Program participants.

Form Number: SBA Forms 2210, 2211, 2216, 2219.

Total Estimated Annual Responses: 378.

Total Estimated Annual Hour Burden: 1,818.

Curtis B. Rich,

Management Analyst .

[FR Doc. 2014–22432 Filed 9–19–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14120 and #14121]

Hawaii Disaster #HI–00034

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Hawaii (FEMA–4194–DR), dated 09/12/2014.

Incident: Tropical Storm Iselle.

Incident Period: 08/07/2014 through 08/09/2014.

Effective Date: 09/12/2014.

Physical Loan Application Deadline Date: 11/12/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 06/12/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 09/12/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Hawaii, Maui.

The Interest Rates are:

For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 141208 and for economic injury is 141218.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–22517 Filed 9–19–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14089 and #14090]

Washington Disaster Number WA–00049

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of WASHINGTON (FEMA–4188–DR), dated 08/11/2014.

Incident: Wildfires.

Incident Period: 07/09/2014 through 08/05/2014.

Effective Date: 09/12/2014.

Physical Loan Application Deadline Date: 10/10/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 05/11/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of WASHINGTON, dated 08/11/2014, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Kittitas.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–22519 Filed 9–19–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 8873]

Culturally Significant Objects Imported for Exhibition Determinations: ''The Wartime Artifacts From the State Museum of Auschwitz (Poland)'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''The Wartime Artifacts from the State Museum of Auschwitz (Poland),'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Los Angeles Museum of the Holocaust, Los Angeles, CA, from on or about October 1, 2014, until on or about September 30, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including lists of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: September 16, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–22490 Filed 9–19–14; 8:45 am]

BILLING CODE 4710–05–P

TENNESSEE VALLEY AUTHORITY

Meeting of the Regional Energy Resource Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of meeting.

SUMMARY: The TVA Regional Energy Resource Council (RERC) will hold a webinar meeting on Wednesday, October 15, 2014, regarding regional energy related issues in the Tennessee Valley.

The RERC was established to advise TVA on its energy resource activities and the priorities among competing objectives and values. Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2.

The meeting agenda includes the following:

1. Welcome and Introductions.

2. Presentations and discussion regarding TVA's Integrated Resource Plan process and progress to date.

3. Council discussion regarding the progress and development of TVA's Integrated Resource Plan.

The Webinar is open to the public, through registration via: *www.tva.com/rerc.* No oral comments from the public will be accepted during the webinar session. The public may provide written comments during the meeting through the webinar interface. The public also may provide written comments to the RERC at any time through links on TVA's Web site at *www.tva.com/rerc* or by mailing written comments to the Regional Energy Resource Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT–9 D, Knoxville, Tennessee 37902.

DATES: The meeting will be held on Wednesday, October 15, from 9:00–12:00 p.m. EDT.

Location: The meeting will be conducted by webinar only. To request accommodation for a disability, please let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Beth Keel, 400 West Summit Hill Drive, WT–9 D, Knoxville, Tennessee 37902, (865) 632–6113.

Dated: September 9, 2014.

Joseph J. Hoagland,

Vice President, Stakeholder Relations, Tennessee Valley Authority.

[FR Doc. 2014–22472 Filed 9–19–14; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of Unified Carrier Registration Plan Board of Directors meeting.

TIME AND DATE: The meeting will be held on October 16, 2014, from 12:00 Noon to 3:00 p.m., Eastern Daylight Time.

PLACE: This meeting will be open to the public via conference call. Any interested person may call 1–877–422–1931, passcode 2855443940, to listen and participate in this meeting.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement and to that end, may consider matters properly before the Board.

FOR FURTHER INFORMATION CONTACT: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors at (505) 827–4565.

Issued on: September 16, 2014.

Larry W. Minor,

Associate Administrator, Office of Policy, Federal Motor Carrier Safety Administration.

[FR Doc. 2014–22555 Filed 9–18–14; 11:15 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2014–0011–N–17]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting the information collection requests (ICRs) below for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than November 21, 2014.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB control number _____.'' Alternatively, comments may be transmitted via facsimile to (202) 493–6216 or (202) 493–6497, or via email to Mr. Brogan at *Robert.Brogan@dot.gov,* or to Ms. Toone at *Kim.Toone@dot.gov.* Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292) or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(i)–(iv); 5 CFR 1320.8(d)(1)(i)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Identification of Cars Moved in Accordance with Order 13528.

OMB Control Number: 2130–0506.

Abstract: This collection of information identifies a freight car being moved within the scope of Order 13528 (now codified at under 49 CFR 232.3). Otherwise, an exception will be taken, and the car will be set out of the train and not delivered. The information that must be recorded is specified at 49 CFR 232.3(d)(3), which requires that a car be properly identified by a card attached to each side of the car and signed stating that such movement is being made under authority of the Order. Section 232.2(d)(3) does not require retaining cards or tags. When a car bearing a tag for movement under this provision arrives at its destination, the tags are simply removed. This requirement/record comes into play only when a railroad finds it necessary to move equipment as specified above. FRA estimates that approximately 400 cars per year are moved under this Order.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 718 railroads.

Frequency of Submission: On occasion.

REPORTING BURDEN

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
232.3(d)—Cars moved in Accordance with Emergency Order 13528—Tagging.	718 railroads	800 tags	5 minutes	67 hours.

Total Estimated Responses: 800.

Total Estimated Annual Burden: 67 hours.

Status: Extension of a Currently Approved Collection.

Title: U.S. Locational Requirement for Dispatching U.S. Rail Operations.

OMB Control Number: 2130–0556.

Abstract: Part 241 requires, in the absence of a waiver, that all dispatching of railroad operations that occurs in the United States be performed in this country, with a minor exception. A railroad is allowed to conduct extraterritorial dispatching from Mexico or Canada in emergency situations, but only for the duration of the emergency. A railroad relying on the exception must provide written notification of its action to the FRA Regional Administrator of each FRA region in which the railroad operation occurs; such notification is not required before addressing the emergency situation. The information

collected under this rule will be used as part of FRA's oversight function to ensure that extraterritorial dispatchers comply with applicable safety regulations.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 4 Railroads.

Frequency of Submission: On occasion.

REPORTING BURDEN

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
241.9—Written Notification to FRA Regional Administrator of Emergency Where Dispatcher Outside the U.S. dispatches a Railroad Operation in the U.S. for Duration of Emergency.	4 Railroads	1 Notice	8 hours	8 hours.

Total Responses: 1.

Total Estimated Total Annual Burden: 8 hours.

Status: Extension of a Currently Approved Collection.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Rebecca Pennington,

Chief Financial Officer.

[FR Doc. 2014–22500 Filed 9–19–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2014–0021]

Notice of Proposed Buy America Waiver for a Variable Refrigerant Flow HVAC System

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of proposed Buy America waiver and request for comment.

SUMMARY: The Federal Transit Administration (FTA) received a request for a waiver to permit the purchase of a Variable Refrigerant Flow (VRF) HVAC system that is non-compliant with Buy America requirements using FTA funding. The request is from the San Bernardino Associated Governments (SANBAG) for the Omnitrans San Bernardino Transit Center (SBTC). In accordance with 49 U.S.C. 5323(j)(3)(A), FTA is providing notice of the waiver request and seeks public comment before deciding whether to grant the request. If granted, the waiver would apply only to the FTA-funded procurement of a VRF HVAC system by SANBAG.

DATES: Comments must be received by September 29, 2014. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Please submit your comments by one of the following means, identifying your submissions by docket number FTA–2014–0021:

1. *Web site: http://www.regulations.gov*. Follow the instructions for submitting comments on the U.S. Government electronic docket site.

2. *Fax:* (202) 493–2251.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must make reference to the ''Federal Transit Administration'' and include docket number FTA–2014–0021. Due to the security procedures in effect since October 2011, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to *http://www.regulations.gov*. For more information, you may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000 (65 FR 19477), or you may visit *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Richard L. Wong, FTA Attorney-Advisor, at (202) 366–4011 or *richard.wong@dot.gov*.

SUPPLEMENTARY INFORMATION: The Federal Transit Administration (FTA) seeks comment on whether it should grant a non-availability waiver for the San Bernardino Associated Governments' (SANBAG) procurement of a Variable Refrigerant Flow (VRF) HVAC system for the Omnitrans San Bernardino Transit Center (SBTC) using FTA grant funding.

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless ''the steel, iron, and manufactured goods used in the project are produced in the United States.'' 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product must take place in the United States; and (2) all of the components of the product must be of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). If, however, FTA determines that ''the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality,'' then FTA may issue a waiver (non-availability waiver). 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

SANBAG is requesting a non-availability waiver for its procurement of a VRF HVAC system that will be installed in a multimodal transfer facility in downtown San Bernardino, California, which will serve both transit patrons and operators of Omnitrans' fixed route buses, the newly opened sbX bus rapid transit (BRT) line, the Victor Valley Transit Authority, the Mountain

Area Regional Transit Authority, and the Southern California Regional Rail Authority (Metrolink). This facility is being built to U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) standards and will incorporate a number of sustainable and energy efficient elements. One of those elements is a VRF HVAC system that, among other things, is space saving, has invertor technology, efficiency, and a non-ozone depleting refrigerant that domestic manufacturers of HVAC systems do not provide. According to SANBAG, its contractor was directed to evaluate the substitution of a Buy America-compliant Variable Air Volume (VAV) system, but the contractor advised SANBAG that the VAV system would endanger the project's LEED Gold certification because of the difference in efficiency between the VAV and VRF HVAC systems. In addition, the substitution of a VAV system would require significant changes to the project, such as the alteration of already-erected structural elements that were designed to accommodate a VRF system and additional design changes and plan reviews by the City of San Bernardino.

SANBAG points to a recent non-availability waiver FTA issued to St. Louis' MetroLink for a similar VRF system (79 FR 34653, June 17, 2014), as well as to a blanket non-availability waiver issued by the U.S. Department of Energy (DOE) in 2010 for VRF HVAC systems procured with American Reinvestment and Recovery Act funding (75 FR 35447, June 22, 2010). According to SANBAG, the U.S. DOE's determination of non-availability and FTA's recent St. Louis MetroLink waiver, as well as their own contractor's research, indicate that this product is not manufactured domestically.

The purpose of this notice is to publish SANBAG's request and to seek public comment from all interested parties in accordance with 49 U.S.C. 5323(j)(3)(A). Comments will help FTA understand completely the facts surrounding the request, including the effects of a potential waiver and the merits of the request. A full copy of the request has been placed in docket number FTA–2014–0021.

Dana Nifosi,

Acting Chief Counsel.

[FR Doc. 2014–22488 Filed 9–19–14; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury 's Office of Foreign Assets Control (''OFAC'') is publishing the names of eight individuals whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The designation by the Director of OFAC of the eight individuals identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on September 16, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On September 16, 2014, the Director of OFAC designated the following eight individuals whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

1. GONZALEZ VASQUEZ, Julian Andrey (a.k.a. ''BARNY''); DOB 31 Jan 1979; POB La Merced, Caldas, Colombia; citizen Colombia; Cedula No. 8125194 (Colombia) (individual) [SDNTK].

2. HERNANDEZ GRISALES, Jesus David (a.k.a. ''CHAPARRO''); DOB 25 Nov 1975; POB Medellin, Colombia; citizen Colombia; Cedula No. 98658284 (Colombia) (individual) [SDNTK].

3. MEDINA CARDONA, Rubiel (a.k.a. ''MONO AMALFI''); DOB 17 Oct 1979; POB Marquetalia, Caldas, Colombia; citizen Colombia; Cedula No. 75004020 (Colombia) (individual) [SDNTK].

4. MESA VALLEJO, Juan Carlos (a.k.a. ''CARLOS CHATAS''; a.k.a. ''TOM''); DOB 08 Dec 1967; POB Bello, Antioquia, Colombia; citizen Colombia; Cedula No. 71698071 (Colombia) (individual) [SDNTK].

5. MUNOZ AGUDELO, Diego Alberto (a.k.a. ''DIEGO CHAMIZO''); DOB 16 May 1969; POB Medellin, Colombia; citizen Colombia; Cedula No. 98547065 (Colombia) (individual) [SDNTK].

6. RAMIREZ GARCIA, Freyner Alfonso (a.k.a. ''CARLOS PESEBRE''); DOB 13 May 1973; POB Medellin, Colombia; citizen Colombia; Cedula No. 71737758 (Colombia) (individual) [SDNTK].

7. RIOS LOPEZ, Didier de Jesus (a.k.a. ''TUTO''); DOB 18 Jun 1974; POB Itagui, Antioquia, Colombia; citizen Colombia; Cedula No. 98622424 (Colombia) (individual) [SDNTK].

8. ROJAS, Edinson Rodolfo (a.k.a. ''PICHI''); DOB 26 Sep 1973; POB Medellin, Colombia; citizen Colombia; Cedula No. 98593559 (Colombia) (individual) [SDNTK].

Dated: September 16, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–22478 Filed 9–19–14; 8:45 am]

BILLING CODE 4810–AL–P

FEDERAL REGISTER

Vol. 79 Monday,
No. 183 September 22, 2014

Part II

The President

Federal Register
Vol. 79, No. 183
Monday, September 22, 2014

Presidential Documents

Title 3—

The President

Memorandum of September 10, 2014

Delegation of Authority Under Section 506(a)(1) of the Foreign Assistance Act of 1961

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State the authority under section 506(a)(1) of the Foreign Assistance Act of 1961 to direct the drawdown of up to $25 million in defense articles and services of the Department of Defense and military education and training to provide immediate military assistance to the Government of Iraq, including the Kurdistan Regional Government, to aid their efforts to combat the Islamic State of Iraq and the Levant and to make the determinations required under such section to direct such a drawdown.

You are authorized and directed to publish this memorandum in the *Federal Register.*

THE WHITE HOUSE,
Washington, September 10, 2014

[FR Doc. 2014–22674
Filed 9–19–14; 11:15 am]
Billing code 4710–10

Presidential Documents

Presidential Determination No. 2014–15 of September 15, 2014

Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2015

Memorandum for the Secretary of State

Pursuant to section 706(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) (FRAA), I hereby identify the following countries as major drug transit and/or major illicit drug producing countries: Afghanistan, The Bahamas, Belize, Bolivia, Burma, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, India, Jamaica, Laos, Mexico, Nicaragua, Pakistan, Panama, Peru, and Venezuela.

A country's presence on the foregoing list is not a reflection of its government's counternarcotics efforts or level of cooperation with the United States. Consistent with the statutory definition of a major drug transit or drug producing country set forth in section 481(e)(2) and (5) of the Foreign Assistance Act of 1961, as amended (FAA), the reason major drug transit or illicit drug producing countries are placed on the list is the combination of geographic, commercial, and economic factors that allow drugs to transit or be produced, even if a government has carried out the most assiduous narcotics control law enforcement measures.

Pursuant to section 706(2)(A) of the FRAA, I hereby designate Bolivia, Burma, and Venezuela as countries that have failed demonstrably during the previous 12 months to adhere to their obligations under international counternarcotics agreements and take the measures set forth in section 489(a)(1) of the FAA. Included in this report are justifications for the determinations on Bolivia, Burma, and Venezuela, as required by section 706(2)(B) of the FRAA. Explanations for these decisions are published with this determination.

I have also determined, in accordance with provisions of section 706(3)(A) of the FRAA, that support for programs to aid Burma and Venezuela are vital to the national interests of the United States.

International Framework for Narcotics and Crime Control

This determination highlights significant U.S. domestic drug control issues and foreign assistance approaches to drug control. It also examines policies and programs shared by most countries to counter the destabilizing effects of illegal drugs and transnational organized crime. The combined aim of these undertakings is to foster sustainable citizen security to advance social welfare, safety, and economic prosperity of vulnerable communities around the world.

International cooperation remains the cornerstone for reducing the threat posed by the illegal narcotics trade and related crimes carried out by criminal organizations. The sophisticated and effective operations of organizations challenge law enforcement officials and policymakers everywhere. The essential underpinnings of our unified stance against criminal enterprise are embodied in longstanding international agreements, including the 1961, 1971, and 1988 U.N. Conventions; the U.N. Convention against Transnational Organized Crime; and the U.N. Convention against Corruption. A myriad of regional and sub-regional joint undertakings, such as the 2010 Drug Strategy for the Hemisphere, adopted by the 34 members of the Organization of American States, mirror the wide-ranging standards of the U.N. conventions.

The frameworks established by the U.N. conventions are as applicable to the contemporary world as when they were negotiated and signed by the vast majority of U.N. member states.

The United States shares the view of most countries that the U.N. drug conventions—without negotiation or amendment—are resilient enough to unify countries that often hold divergent views of the causes of the international narcotics problem, while at the same time providing a framework upon which to build the best solutions to it. The U.N. drug conventions, which recognize that the suppression of international drug trafficking demands urgent attention and the highest priority, allow sovereign nations the flexibility to develop and adapt new policies and programs in keeping with their own national circumstances while retaining their focus on achieving the conventions' aim of ensuring the availability of controlled substances for medical and scientific purposes, preventing abuse and addiction, and suppressing drug trafficking and related criminal activities. The United States supports the view of most countries that revising the U.N. drug conventions is not a prerequisite to advancing the common and shared responsibility of international cooperation designed to enhance the positive goals we have set to counter illegal drugs and crime.

The Challenge of Opium Poppy Production and Heroin

The 2014 U.N. World Drug Report states that illegal poppy cultivation and production of heroin and opium and other derivatives are at the top of the list of global drug problems.

According to the Office of National Drug Control Policy, the latest United States Government estimates show for the third consecutive year, in Afghanistan, which has the world's largest opium poppy cultivation, cultivation increased from 180,000 hectares in 2012 to 198,000 hectares in 2013. The opium poppy trade in Afghanistan threatens domestic institutions, subverts the legal economy, and undermines good governance and the capacity of the Afghan people. Although less pronounced, opium poppy cultivation also increased considerably in Burma and Laos; this situation presents similar threats in these countries as those faced by Afghanistan.

In spite of Afghanistan's crop reduction setbacks, which include a reduction in eradication from 9,672 hectares in 2012 to 7,348 hectares in 2013, U.S. assistance has advanced the country's counternarcotics capacity in some areas. In particular, there have been positive developments in Afghan programs such as interdiction, prosecutions, treatment services, and alternative livelihoods for farmers. All of this has happened in the context of a difficult security situation and entrenched corruption. Still, opium poppy is grown in less than 3 percent of farmable land; nearly 10 times more is devoted to wheat production.

United States support for Afghanistan after 2014 will focus on maintaining established infrastructure and improving security. The United States is also working to secure more bilateral and multilateral assistance from the international community beyond programs that are already in place. This includes support from Canadian and European partners. At the same time, it is in the best interest of countries in the region with high levels of opium-product abuse to support Afghanistan's counternarcotics efforts. This includes Afghanistan's immediate neighbors, Iran, Pakistan, and Russia, as well as other nations such as India and China. There is also an increase in transshipments of Afghanistan heroin going to Canada, a development of concern that is being addressed by Canada with support from the United States.

In the past several years, U.S. officials have noted an alarming surge in the use of heroin and are taking many steps to confront this growing domestic problem. Survey results released in 2012 reported that nearly 700,000 American citizens used heroin, as compared to 373,000 in 2007. In the United States, between 2006 and 2010, heroin deaths increased by 45 percent. Today, experts understand that people from various walks of life are abusing opium products. Significant increases have been noted in major U.S. cities,

including Atlanta, Denver, Chicago, San Diego, and Seattle. In the United States, between 2006 and 2011, heroin-involved deaths increased by 110 percent.

The United States is particularly concerned about poppy cultivation in Mexico, the primary supplier of illegal opium derivatives to the United States. According to the Heroin Signature Program carried out by the U.S. Drug Enforcement Administration (DEA), opium poppy products also arrive in the United States from Colombia and Guatemala, although to a lesser extent from these countries than from Mexico. DEA reported a 324 percent increase in heroin seizures at the Mexican border between 2009 and 2013.

The United States is increasing its heroin drug interdiction efforts as one element of a set of measures for confronting the growing problem. Since 2011, more than 4,500 heroin related investigations were opened in the country. Overseas, $110 million in U.S. funds have been provided to Mexican border agencies for inspection equipment and training. Concrete success resulting from this support includes seizure of illegal drugs and currency by Mexican authorities valued at nearly $4 million. Similarly, U.S. foreign assistance helped Colombia seize 379 kilograms of heroin in 2013, and Guatemala eradicated a considerable amount of poppy cultivation in the same year. Working with concerned counterparts, the United States will adjust policy approaches and build upon existing programs, including the Mexico Merida Initiative, to counter criminal elements that are creating heroin markets in the United States and reaping growing illegal profits.

Cocaine Production and Use

The 2014 U.N. World Drug Report reaffirms that Colombia, Bolivia, and Peru continue to cultivate virtually the world's entire supply of coca for cocaine and related products. The good news is that illegal coca crop production, now approximately 133,700 hectares in the three countries, is at the lowest level since authorities began to establish estimates in 1990. Moreover, global seizures have slightly increased, according to the U.N. Office on Drugs and Crime (UNODC).

The United States is the world's largest consumer of illegal cocaine, followed by Brazil and certain countries in Europe. Although the DEA reports that cocaine availability declined steadily in the United States from 2007 to 2012, the number of cocaine users has remained steady in recent years, according to U.S. surveys.

United States law enforcement agencies estimate that about 84 percent of the cocaine entering the United States passes through Central America and Mexico to reach destinations in the United States. Based on a decline in maritime interdiction assets and diminished intelligence, there has been a reduction in the awareness of cocaine transshipments. While recent assessments indicate an increase in cocaine flow in the maritime transit zone, there are conflicting indicators on total cocaine flow and continued success in combating drug trafficking organizations will require closing awareness gaps.

Various types of U.S. assistance, including numerous programs aimed at supporting national efforts to interdict drugs and target major traffickers, are carried out through the Central American Regional Security Initiative. Similar programs are supported by the United States through the Caribbean Basin Security Initiative. These programs support national efforts to increase law enforcement capability to confront organized crime and gangs, build judicial sector capacity, and advance economic and social programs for at-risk youth and communities disproportionately affected by illegal drugs and crime.

New Psychoactive Substances (NPS)

Confronting illegal production and consumption of methamphetamine in the United States, with much of the product originating in Mexico, has been compounded by the growing problem of NPS—also described as synthetic designer drugs. This is a dynamic industry that uses chemicals and

other substances that are frequently not controlled. According to the 2014 U.N. World Drug Report, the number of NPS more than doubled over the period 2009–2013. The number of such substances reported to UNODC, almost 500, far exceeds the psychoactive substances already controlled by the U.N. conventions.

In the United States, the DEA secured emergency scheduling of certain substances and statutory changes (The Synthetic Drugs Abuse Prevention Act of 2012), banning many of these substances, but U.S. law enforcement agencies report that substance variations to make NPS are continually appearing, posing a serious threat to public health and unprecedented challenges to drug awareness and treatment programs.

In 2013, the European Commission announced it would strengthen the European Union's ability to respond to NPS by withdrawing products used to make them from the market. This action followed a report by the European Monitoring Center for Drugs and Drug Addiction stating that the scale of NPS use is growing dramatically on the continent. In its most recent reports, UNODC highlights the NPS problem in particular. In one significant initiative, UNODC is working to create a network to exchange information on NPS use and related trends. With U.S. assistance, another UNODC program seeks to identify the connections between pre-cursor chemicals and NPS. Much of this action has been proposed in resolutions by the Commission on Narcotic Drugs to promote international cooperation in responding to the challenged posed by NPS.

Drug Awareness and Demand Reduction

The international community recognizes that drug use is as much a public health problem as it is a public safety issue. The U.S. National Drug Control Strategy stresses that prevention and treatment must be adapted to the latest scientific knowledge and social services to help individuals overcome their addictions. This approach has been adopted in other countries following the call to member states by the International Narcotics Control Board to integrate abuse prevention into public health, health promotion, and child and youth prevention programs. More than 2,600 specialty courts in the United States have connected over 120,000 people convicted of drug-related offenses with the community services they need to avoid future drug use. Similar initiatives around the world, many supported by the United States, provide a variety of alternatives to incarceration programs for nonviolent offenders. These programs are integral to scientifically based drug control policies.

Looking to the Future

Historically, U.S. foreign assistance programs have focused primarily on fighting drug production and have supported related law enforcement programs. This approach is still integral to U.S. policy, but efforts today take an increasingly holistic approach. Beginning with the current decade, efforts aimed at preventative measures in U.S. assistance programs are designed to enhance overall citizen security by challenging both transnational and local security threats. These efforts involve U.S. partnerships including the public and private sectors to achieve our common security goals and create safe communities. This is carried out through law enforcement training, judicial and human rights training, and alternative development, emphasizing that such efforts must be designed to create and maintain safe environments.

In many nations, especially in Central and South America, countries are actively seeking to strengthen their inter- and intra-regional cooperation and exchange of information about best practices for counternarcotics and crime control law enforcement activities relative to broad citizen security. Taken as a whole, they are intended to promote respect for the rule of law and human rights and to empower citizens to foster law-abiding communities consistent with long-term sustainability.

You are hereby authorized and directed to submit this determination, with the enclosed memoranda of justification regarding Bolivia, Burma, and Venezuela, under section 706 of the FRAA, to the Congress, and publish it in the *Federal Register.*

THE WHITE HOUSE,
Washington, September 15, 2014

[FR Doc. 2014–22675
Filed 9–19–14; 11:15 am]
Billing code 4710–10

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